

VILLAGE OF POMONA:NEW YORK
BOARD OF TRUSTEES;

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ORIGINAL

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PUBLIC HEARINGS ON:
LOCAL LAW AMENDMENT: • DORMITORIES (CONTINUED)
LOCAL LAW AMENDMENT: WETLANDS

Monday -- 7:30 p.m.
J a n u a r y 2 2 , 2 0 0 7

Town Hall
Pomona, New York

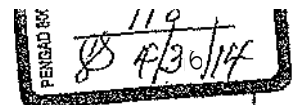
B E F O R E :

VILLAGE OF POMONA BOARD OF TRUSTEES
PRESENT:

HERBERT MARSHALL, MAYOR
NICK SANDERSON, DEPUTY MAYOR
IAN BANKS, TRUSTEE
ALAN LAMER, TRUSTEE
ALMA ROMAN, TRUSTEE
DORIS ULMAN, VILLAGE ATTORNEY
MICHAEL ZRELAK, BUILDING INSPECTOR
LESLIE SANDERSON, VILLAGE CLERK

SANDY SAUNDERS REPORTING
2.54 South Main Street
Second Floor
New City, New York 10956
(845) 634-7561

PLAINTIFF'S
Meg



1 (Meeting opened with Pledge of Allegiance)

2 MAYOR MARSHALL: Okay, if you want to speak
3 tonight, please fill out a participation request
4 form and turn it into the village clerk.

5 All right, a couple of things before we begin
6 the meeting; to avoid any misunderstanding about
7 tonight's proceedings, this is a regularly scheduled
8 meeting of the Village Board of Trustees. Tonight's
9 agenda includes five public hearings, and a
10 significant amount of normal village business. It
11 does not include any discussion concerning any
12 proposed development of the Camp property located on
13 Route 306, at Route 202. Since no such development
14 plans have been submitted to the village, there is
15 nothing to discuss. Because of the high number of
16 public hearings on tonight's agenda, the order of
17 agenda items will be changed, moving the open period
18 to the time slot following the public hearings.

19 Now a word on the conduct of the meeting; the
20 purpose of this meeting is to allow the Board of
21 Trustees to handle the many issues involved in the
22 regular functioning of village government. It is
23 not and cannot become an open forum for public
24 debate. There simply is not enough time.

25 However, there are specific times set aside for

1 public comment and interaction such as the public
2 hearings, and the open period. Other public
3 involvement in the meeting cannot be allowed. During
4 the public comment period if you would like to be
5 recognized, it will be necessary to submit a
6 participation request form to the village clerk.
7 When your name is called, if you wish to address the
8 board, you will be required to approach the podium,
9 and enter your name and address into the record and
10 then proceed with your comments. Each speaker will
11 be limited to three minutes, unless questioned by
12 the board. I ask that you try to keep your comments as
13 brief as possible, and during the public hearing
14 restrict their content exclusively to the published
15 subject of the hearing. The scheduled duration of
16 the open period, in which you can say whatever you'd
17 like, so long as it's not a personal attack, will be
18 limited to 45 minutes. if the regular business of
19 the meeting is completed prior to 10 P. M. there
20 will be a second brief open period to entertain any
21 additional questions which may arise from the
22 conduct of our meeting.

23 All right, now that being said, we're going to
24 get underway. Before we do, however, is there
25 anyone who has filled out a form who hasn't had it

collected? Ladies and gentlemen, you cannot stand in the doorway. If you are going to attend the meeting you have to move back into the room. You cannot stand and block the doorway.

FROM THE FLOOR: (Unidentified) Why do you seem so mad at all of us? We're just here_ Tell us where to stand and we'd be happy to stand.

MAYOR MARSHALL: Why not go down the middle. Does anyone have a participation request form that hasn't been turned in?

Okay. We're going to begin our meeting. The first item on the agenda is a continued public hearing concerning the Local Law Amendment on dormitories. Now, as I explained at the beginning of the last public hearing, this law is a simple and very minor amendment, as part of our normal process of evaluating, of revising our laws, and for your information our village laws are a work in progress. They're amended on a regular basis, particularly when they are influenced by new legislation that has, or new court decisions that have come down. In the case of the dormitory law, it is a law that has been on the books since. 2004. The changes are very, very minor, and they were discussed at length during the last public hearing.

Now, at this time if the village clerk will hand me the participation request form's, we will open the public hearing concerning dormitories, and the first one to speak will be Susan Cooper.

FROM THE FLOOR: Put me at the end if you would.

MAYOR MARSHALL: Second will be Paul Savad.

FROM THE FLOOR: I'm an attorney. My name is Paul Savad. My office is in Nanuet, New York. As everyone knows. I was here last time. I represent Tartikov in the capacity as their attorney, and wish to speak, and I'll speak as quickly as possible, but I have some meaningful things I'd like to say about this law. We believe that our particular property of a hundred acres plus is the largest undeveloped parcel in the village. We believe that what may be minor changes to you is discriminatory on its face, and it is designed to totally and completely exclude dormitories and also to exclude adult student housing.

The first thing I would ask is, I have a question that could be -- it maybe not answered -- but has an EAF form been filed in connection with this law? And the second question is, has a GML response been received from the County of Rockland,

and if so, if someone gets to answer at some point -- I'd like to just finish.

As I said, we believe that this dormitory law effectively does not permit dorms and particularly on this particular property. In 2004 the village added dormitory to its definitions which specifically excluded adult student housing, by not permitting cooking, dining and housekeeping facilities. We believe that this was a reaction to what Ramapo was doing when it adopted adult student housing designated for adult married students, faculty and minor children. Both text amendments at the public hearings were passed somewhere near November of 2004.

Now the proposed law, which I believe is Section 3, Paragraph 12, Subdivision F. of 130-10, if I mischaracterized-it, that's the law I intend, effectively, as I said, limits the dormitories and totally prohibits adult student housing, so as to make it impossible at all to have it. The proposal of 2006, now 2007, effectively excludes all dorms by the limitation of the size of the dorms, to 25 percent of all buildings on the lot, and I just want to give an example. If you assume, as the press assumed, a thirty thousand square foot building for

1 a thousand students, and if that was the only
2 building on the property, then seventy-five hundred
3 square feet would be for dorms. I have learned from
4 our architects that the architectural standard for
5 dorms is 350 square foot per student, for a dorm
6 room, which can house one or two students. Well, if
7 you take seventy-five hundred square feet, which
8 would be the maximum amount of dorms permitted, in a
9 thirty thousand square foot school, you would be
10 allowed 22 to 44 students, or 2.2 percent, . or 4.4
11 percent if there were two people in the room. This
12 effectively precludes anyone living on the property,
13 which I submit is contrary to state and federal law.

14 Let me take it a step further. If you would
15 assume a three thousand square foot building, for a
16 hundred students, you would be allowed 750 square
17 feet under this ordinance, and at 350 square feet
18 per room, which is the architectural standard, you
19 would be allowed between two and six students.

20 So I respectfully submit to the board that this
21 is a deliberate attempt to circumvent state and
22 federal laws, to totally exclude the possibility that
23 any organization, on any property, whether it's
24 secular or religious, would not be permitted under
25 this ordinance to build any school in which students

live on campus.

2 Just historically, pertaining to dormitories,
3 real quick, and again I'm talking about this hundred
4 acres; in 1991 this property was subject to a
5 restriction .not permitting the camp to expand. They
6 then sold it to Yeshiva Spring Valley, Yeshiva Spring
7 Valley investigated and brought to the attention of
8 the village that it wanted to build a Yeshiva in which
9 no students lived on campus. That resulted in zone
10 changes, in 2004 amending the code concerning
11 dormitories to prohibit adult student
12 housing, which wasn't even proposed by Yeshiva the
13 Spring Valley, and this was just after Town of
14 Ramapo rezoned the property across the street.

15 The 2007 amendment, now in 2007, again is, we
16 believe, effectively directed at this particular
17 piece of property and totally excludes what is
18 defined to permit, and by totally excluding it, it's
19 as if you don't even allow it and by not allowing
20 it, the original intent to follow state and federal
21 laws to permit it, is effectively gutted if you pass
22 this law. Thank you.

23 MAYOR MARSHALL: Thank you. Ladies and
24 gentlemen, please limit your comments to three
25 minutes. We have a lot of business to get through

1 tonight.

2 (Multiple comments and noise from the flood

3 MAYOR MARSHALL: If there is any more public
4 outcry I will clear this room.

5 (Multiple comments from the floor)

6 MAYOR MARSHALL: This meeting will be conducted
7 in a calm and staid order. If you cannot accept
8 that, this room only allows 49 people to attend. If
9 I have to clear it, I'll clear it. I want to be
10 fair but I don't want disorder in this meeting.

11 Now the next person --

12 FROM THE FLOOR: (Unidentified) Can you just
13 hold people accountable to your rules?

14 MAYOR MARSHALL: I can't hear you.

15 FROM THE FLOOR: One of the rules was three
16 minutes, so all we're just asking is that for the
17 sake of time, that you hold people who come up to
18 the floor accountable for the three minutes.

19 MAYOR MARSHALL: Thank you. Next person,
20 Andrew Wiley.

21 FROM THE FLOOR: I want to speak on the church
22 issue, not this public hearing.

23 MAYOR MARSHALL: Okay.

24 Ed Leventhal.

25 FROM THE FLOOR: Good evening. I did not come

1 here to discuss ARLUPA (phon). I did not come to
2 discuss what is appropriate percentages or living
3 quarters for any persons. What I did come here to
4 discuss was that if I read the paper correctly, the
5 population of Pomona is 3200 residents. I don't
6 think it's reasonable to say that one institution
7 can, by virtue of the dormitory restriction or the
8 dormitory permission, be allowed to have 4500
9 people. This would entirely change the character of
10 the village. It would entirely change the politics
11 of the village. And I think there has to be a
12 solution through the zoning laws and through the
13 amendments to the zoning laws that prohibits such a
14 large number of people being within one property,
15 and one institution. Thank you very much.

16 MAYOR MARSHALL: Thank you. Before I ask the
17 next person to come up; this public hearing has to do
18 with the amendment to our local law. Please try and
19 restrict what you say to that topic at this time,
20 okay?

21 The next person is Eloise Litman.

22 . FROM THE FLOOR: Eloise Litman. I live at 682
23 Route 306 in the Village of Pomona. I urge you not to
24 allow the type of housing that's being discussed in
25 that law. I don't think the area calls for it.

2 The village is too small, and I don't think that we
3 should have that kind of housing anywhere in the
village. Thank you for allowing me to come up.

.4 MAYOR MARSHALL: The next person is Susan
5 Cooper.

6 FROM THE FLOOR: I pass. Thank you very much. MAYOR

7 MARSHALL: Does anyone else have a form
8 they would like to submit so they could speak?

9 Come on up.

10 The objective of having this form is to make
11 this whole process go more smoothly, to give every
12 one a chance to speak.

13 FROM THE FLOOR: My name is Howard Bleiwas, 7
14 Beaverdam Road, right across the street. I moved
15 here about five years ago. First of all I want to
16 respond to attorney Savad; he stated that the law
17 was discriminatory. I remember the dictionary
18 definition of discriminating; it's carefully
19 deciding based on the facts, and in that case I
20 would like to think we do, we do carefully decide
21 based on the facts. I've been a firefighter for
22 Hillcrest for almost twenty years. We don't have
23 the equipment to handle six story buildings, which
24 incidentally will be I think the third through ninth
25 largest buildings in the county, requiring probably

1 a transition to the first paid firefighters in
2 Rockland.

3 I also wanted to respond to attorney Savad's
4 statement about restricting the number of students.
5 Now I went to Yeshiva Hadar, I'm a member of Temple
6 Beth El, and st. Bonafice -- ask my wife about that.
7 The answer is, and I know this is going to get some
8 gasps, but I welcome the Rabbinical College of
9 Tartikov to the area. I think any religious
10 institution should take advantage of the law, should
11 use the law, and should be allowed to practice
12 freely. What I don't think should be allowed, and
13 nothing restricts the number of students. You have a
14 ten thousand square feet building, whatever the fire
15 inspector *says* is safe, you can have as many
16 students. What this issue is, and what the law is
17 about, is how many people can actually be put in a
18 given place. How big can the buildings be. When a
19 building -- my house is two stories, and I have to
20 look to the west and there is six stories, 'when the
21 nature of the law *says* that we must make fair
22 accommodations for religious practice, we don't have
23 to make fair accommodations for a change in our
24 government, for a change in our neighborhood, and
25 for a change in everything that we moved to Pomona

to get. I have to say, I moved here five years ago,
2 and I love the place. As a matter of fact for
3 Halloween I bring the cotton candy machine. I look
4 forward to that. I look forward to the fishing. I
5 don't look forward to having an increased tax base. I
6 don't look forward to having blights on the
7 landscape, and a change in the nature of the
8 community, and that's really what I wanted to say.
9 Thank you.

10 MAYOR MARSHALL: Ladies and gentlemen, I want to
11 be fair and equitable. This is not a public hearing
12 on whether or not we want to have the project that
13 was talked about in the newspaper in the Village of
14 Pomona. We have not received any information, as I
15 said initially. There are no plans, there is no
16 information that this village has received, so
17 therefore it is not an issue at this time. When and
18 if such a project comes in there will be ample time
19 for public response, because the process that is
20 involved calls for a number of public hearings.
21. There will be lots and lots of opportunity, and
22 quite frankly at that time I would think that we
23 might go into a separate facility,
24 based on this. That is not the purpose of our
25 meeting here tonight. The purpose is to consider

changes, changes, shavings, streamlining of our existing village law.

FROM THE FLOOR: Let me just follow up with that. I encourage the law.

MAYOR MARSHALL: Okay. Is there anyone else wishing to speak who has not turned in a form? FROM

THE FLOOR: I would like to speak. MAYOR

MARSHALL: Come up to the podium. Your name, and address.

FROM THE FLOOR: My name is Gregg Briem. I am a resident of Pomona. This is a disgrace. It is an absolutely disgrace. You are in the wrong town, and the wrong village. I worked, as did many of my fellow villagers

MAYOR MARSHALL: Let me interrupt a second

FROM THE FLOOR: No, no, let me speak.

MAYOR MARSHALL: I will, just a second. No flash bulbs please at this meeting.

FROM THE FLOOR: I worked all my life to raise my children in a suburban environment where they could be safe, where they could be comfortable, where they could make friends, where I can enjoy the rest of my life. I did not bring my family to a college town, whether religious or secular. This village's infrastructure cannot handle,

logistically, it is a matter of fact, the amount of
2 students that would be at this college. It is a

3 matter of fact. Not discussion or opinion. Our
4 sewage lines cannot handle it. Our roads cannot
5 handle it. Our entire social infrastructure
6 cannot handle, whether it's a rabbinical college or
7 a state university, or a private school. This is

• 8 the Village of Pomona. This is where I brought my

9 family to live. If you allow this school to be
10 brought to this village, you're going to destroy
11 everything that everybody here worked for all their
12 life and I will never, ever, let that happen. Thank you.

13 14 f FROM THE FLOOR: My name is Pat Durkin, 292

15 Quaker Road. I understand what everyone is saying.

16 My question to you now is, I do believe the
17 amendments are warranted, and I would just like to
18 know --

19 (Multiple comments from the floor)

20 MAYOR MARSHALL: Just a second. Please give
21 courtesy to the speakers. If you want to come up
22 will gavel anyone that tries to stop you, but give
23 courtesy to the speakers, and that doesn't include
24 shouting out.

25 FROM THE FLOOR: As I said, unlike Mr. Savad, I

believe these amendments are warranted. The village was created to have zoning of its own. My question now is, what is the procedure following and what legal backing does the village have, because of everything I've read that this sort of thing can be railroaded through due to loopholes in the original federal law. What is the next step for the village to ensure that this does happen, and everyone, such as I, I have to live within the acre zoning for residential, others should have to live with whatever zoning a village gives to dorms.

Thank you.

MAYOR MARSHALL: I am not going to respond to anything that anyone says during the public hearing. In some cases, for example Mr. Savad's question, and your question, your comments, I will try and clarify once the public hearing is closed.

Is there anyone else wishing to speak on the dorm, the proposed amendment to our local law regarding dormitories at this time?

FROM THE FLOOR: I didn't fill out a form but I'd like to speak.

MAYOR MARSHALL: Come on up.

FROM THE FLOOR: My name is Martin Jaffe. live at 14 Tamarack Lane in Pomona. I have only

1 lived here for about 40 years, a short period of
2 time_ It's been a wonderful 40 years. I arrived
3 here shortly after the village had been formed.
4 understood the principles behind the village. And
5 in all honesty, our mayor, as well as his
6 predecessors, have tried to run this village in
7 keeping with the spirit that the village was formed.
8 They have tried to keep a rural community where we
9 could all enjoy life with our families and quite
10 frankly to this day, you have achieved that. They
11 have also seen tremendous growth occurring in the
12 village: I think that this administration has to
13 protect the rights of the people that have lived
14 here, have lived here for 40 some odd years, and
15 even the people who have just recently moved in. We
16 have moved here because it's a rural community. We
17 want it to be a rural community and we don't want it
18 inundated with a population density that is beyond
19 the ability of the infrastructure to handle, so
20 please, maintain the same zoning principles that
21 have kept this village a rural community. Thank
22 you. .

23 MAYOR MARSHALL: Okay, anyone else?

24 FROM THE FLOOR: Can I speak, even though I'm
25 not in Pomona?

MAYOR MARSHALL: Yes, after this gentleman.

It would be much more efficient if you folks
filled out the form. Go ahead.

FROM THE FLOOR: Dennis Rheel, 70 Pomona Road.

A journey begins with one step, and this is the
first step, and this is not a step that we haven't
seen in other areas at other times. This is the
opening of changing the entire aspects of this area,
of the county. I'm not familiar with all the
dormitory specifications or whether it meets the
requirements or whatever, but there is no denying
what is going on here tonight, and what is going on
here tonight is that there is a group who wants to
take over this village, and we live in this village
and we're saying to you, where are our rights, where
does it come from here? I mean to think of the
concept of changing the entire neighborhood hereto
accommodate people who have the federal law on their
side, if it becomes a battle between the federal law
and the Village of Pomona I don't know where it's
going to go to, or what the aspects are going to
evolve to, but at some point if we keep allowing
this journey to continue, there is not going to be a
village that we know that we belong to. This totally
changes the entire concept of the village,

1 and it puts an unfair burden on the people who are
2 here, because it's totally changing their way of
3 life, and it's also putting a burden on them
4 financially. I can only speak for myself. I have a
5 hard time making it here, and now to face the
6 prospect of supporting a lifestyle that is fine with
7 me, I mean, but why should I support it, why should
8 I be responsible for paying the expenses of somebody
9 else's lifestyle, whether you cloak it in religion,
10 you cloak it in anything you want to say, it just
11 seems unfair that the burden should be placed on the
12 people who have lived in the village by other people
13 who want to come in and change the whole nature of
14 the village. Where is the justice?

15 Okay, that's it.

16 MAYOR MARSHALL: Ladies and gentlemen, I know
17 that many -- Marlena, just a second -- this is a
18 public hearing on a change in our local law. This
19 is not the time to come up and to talk about whether
20 you want a project that we have gotten nothing on.
21 There is no proposed project that exists for the
22 Village of Pomona at this time. I know what you
23 read in the papers. I know what you think is
24 happening. I appreciate everything that everyone
25 wants to say. I want to give you a chance to say

1 it, but this is not the time to say it. The business
2 at hand is whether or not to vote on a proposed change
3 in our local law. That's the only thing we're dealing
with here. This is not a property specific *issue*.

4 (Multiple simultaneous comments from the floor) MAYOR

5 MARSHALL: This is not the forum for
6 that.

7 There will be ample time for all of you to say
8 whatever you want to say once the project has been
9 submitted to us. It hasn't been submitted.

10 FROM THE FLOOR: (Unidentified) We don't want it
11 submitted. You're not getting it. We don't want it
12 submitted, okay?

13 (Multiple comments, Mayor banging gavel)

14 MAYOR MARSHALL: Any more outbursts and the next
15 person that says something will be asked to leave. We
16 have a meeting to conduct, and I'm not going to discuss
17 it in an open forum. That's what I said at the outset
18 and I maintain it.

19 Now, that being said, state your name.

20 Please address your comments to this public
21 hearing.

22 FROM THE FLOOR: My name is Marlana Payone (phon)
23 and I live at 619 Route 306 in the Town of
24

Ramapo. Pomona is across the street from me.

have been watching the adult student housing, both on Hillside Avenue and over on Grandview. If you all want to see what the adult student housing looks like, go to Grandview Avenue, take a left, and see the monstrosity. Thank you.

MAYOR MARSHALL: Now --

FROM THE FLOOR: Let her talk.

MAYOR MARSHALL: You are not running this meeting.

FROM THE FLOOR: Maybe we should be running this meeting. Let her talk. You're going to throw me out, get pictures of it, okay, because you're not letting anybody talk. That's why the police are out there putting us in three different parking lots. Everyone should understand that this is not going to happen, and we're not going to let it happen. Let's stop it now.

(Multiple shouts of "Stop it Now")

Their counsel is here to protect their interests. We're here, the people who live in this village, to protect our interests, okay.

FROM THE FLOOR: Everybody calm down a minute. I just want to say one thing.

MAYOR MARSHALL: I'll give you a chance, but I

1 said something at the outset of this meeting. Now
2 that is, to avoid any misunderstanding about
3 tonight's proceeding, this is a regularly scheduled
4 meeting of the Village Board of Trustees. Tonight's
5 agenda includes five public hearings, and a
6 significant amount of normal village business. It
7 does not include any discussion on the part of the
8 board concerning any proposed development of the
9 camp property located on Route 306 and Route 202.
10 Since no such development plans have been submitted
11 to the village, there is nothing for us to discuss.
12 Because of the high number of public hearings
13 tonight, on tonight's agenda, I changed the order of
14 the agenda to accommodate it.

15 Now if you'd like to put your name and address
16 into the record.

17 FROM THE FLOOR: Rhoda Zingali, 10 Emerald
18 Drive, Pomona. I just want to say a few things. I
19 wasn't here for the beginning. I didn't hear your
20 agenda but obviously this turnout of people gives
21 you a fair share of where you are going. The road
22 you're going to take is not going to be an easy one,
23 after things are submitted, if they get submitted.
24 My question was, or not a qUestion. The only thing
25 I wanted to say was, I lived here for ten years, and

1 I live right down the road. Actually my view would
2 be of the new college, if it does ever get up, that
3 would be my view of Pomona. All I want you to do is
4 stand as strong as you have against me getting a
5 sidewalk on Ledentown Road. I have been asked and I
6 have been laughed at, you're crazy, you'll never get
7 it. I have four children. I would love to walk to
8 Stop and Shop safely, and not have to come around
9 hair pin turns and be afraid that someone is going
10 to take me out. So just stand as strong against
11 something like this that would change our urban
12 environment. That's it. I don't care -- if they
13 were asked to put up a cathedral behind my house, I
14 don't want it. I like the urban-ness (sic) of
15 Pomona, so just stick to that, stick to your guns as
16 hard as you stuck to your guns about sidewalks and
17 everything will be fine in Pomona. Okay. Thank
18 you.

19 MAYOR MARSHALL: When and if a project is
20 submitted there will be --

21 FROM THE FLOOR: They think that's funny.

22 MAYOR MARSHALL: Excuse me, am I interrupting
23 you.

24 FROM THE FLOOR: You laughed at her. You all
25 smiled and laughed at her like --

1 FROM THE FLOOR: (Ms. Zingali) They smiled
2 because they know these are real problems.

3 MAYOR MARSHALL: We cannot run a meeting and
4 have you speak everytime somebody else speaks. *Now*
5 if I could say something, when and if a project is
6 submitted to the village, there will be many
7 opportunities for everyone who wants to say anything
8 they want to say, all the things that you've been
9 saying tonight, at those meetings. This is not the
10 time to say it. There is nothing before us. I know
11 what you have read in the paper. There is nothing
12 before us.

13 FROM THE FLOOR: (Unidentified) On the Pomona
14 Village Hall, on the web site, as for what the
15 meetings were going to be held, the first one stated
16 was, the size of the dormitories. That is what it
17 said, the discussion tonight was going to be the
18 size of the dormitories, and you're telling me I am
19 not supposed to worry.

20 MAYOR MARSHALL: Look a little further on the
21 web site and you would have seen the proposed change
22 in our local law. What we are considering tonight,
23 if it will expedite this, what we are considering
24 tonight are minor changes to an existing law which
25 defines what dormitories are allowed, the size of

1 them, and several other things. The changes that
2 we're considering are very minor changes. Very
3 minor changes. It has nothing to do with the
4 property that you all are talking about. It has
5 only

6 (Multiple simultaneous comments)

7 If you would like to find out, then read the
8 local law. Ladies and gentlemen, this is not the
9 time to discuss a project that doesn't exist for us.
10 We're here to discuss a change in our local law. It
11 is a minor change. Does anyone else want to speak
12 on the proposed change in the local law?

13 Yes.

14 FROM THE FLOOR: Hal Deutschman. I live at 7
15 Jade Court in Pomona. I understand what you're
16 saying here tonight, that we're here not to discuss
17 dormitories, but we're here to discuss the proposed
18 amendments to zoning. The problem is that you
19 started off the meeting allowing this gentleman to
20 talk about his proposal, his group's proposal about
21 dormitories. He was the one who started this off.
22 If there were three thousand people who live in
23 Pomona and I look around here, and maybe there is
29 close to three hundred, ten percent, before anything
25 is even happening about these proposed amendments,

1 are a major concern to the people of this village.
2 What I am asking you to do and I think what these
3 people are asking you to do, is not to change the
4 zoning laws. I don't know what the amendments are.
5 You tell us we should go read the laws. We need you
6 to tell us what the laws are and what the changes
7 are being proposed, and if you do that to us, what
8 we're here telling you is, we like it the way it is,
9 we don't want any changes, no matter what these
10 laws, these proposals are being brought forth, and
11 we don't know what they are. It's almost a big
12 secret. But if that's what you want to do, we're
13 here to tell you that we don't want to change. We
14 like our village the way it is. This is not a
15 religious thing, it's not a secular thing, it's a
16 lifestyle thing. And we're asking you, if you want
17 us not to discuss what is not going, what has not
18 been proposed yet, but the papers made us feel that
19 it is, because take a look at -- you don't have this
20 kind of group here at any kind of meeting.

21 We're asking you then, before you continue, to
22 please define to us what these zoning laws are.

23 FROM THE FLOOR: (Unidentified) Can I ask a
24 question? The meeting is being videotaped by the
25 gentleman against the wall there. Can I ask him to

identify himself please.

FROM THE FLOOR: (Unidentified) "They" do that all the time.

MAYOR MARSHALL: He has a right.

FROM THE FLOOR: (Unidentified) I'd like him to identify himself.

FROM THE FLOOR: Joseph Weinberger. I was hired by a person to record it.

(Multiple comments.)

FROM THE FLOOR: (Unidentified) Do I have a right to object to being videotaped?

(Multiple inaudible comments.)

MAYOR MARSHALL: All right, before we take another step, the last gentleman said some things that made a lot of sense. Doris, will you please explain what the changes in our local law, what we're considering here, and the law that exists.

FROM THE FLOOR: (Unidentified) Why are we considering it?

MS. ULMAN: First I think it is important to tell you what our definition of dormitory is, because I think there is a lot of misconception out there, and the village, the proposal before the board it seems does not change any of the substance of what currently exists. Our current dormitory

2 definition prohibits single family, two family, or
3 multifamily dwelling units. It is a traditional
4 dormitory definition, the same as you would see in
5 most of the communities in New York State, and
6 similar to what you would see in most places that
7 have schools, both secondary colleges, and lower'
8 sessions. So the provision does not change. What we
9 are doing is to make it clear that the dormitory
10 use is an accessory use to a school. Our prior law
11 said the same thing but not in the specific
12 language.

13 What we added in this amendment is the word
14 that the -- must be on the same lot, an accessory to
15 a principal school use. That's one of the
16 amendments in this law. Very innocuous. One of the
17 other things that we changed was to permit two
18 communal dining rooms in a dormitory building. We
19 do not permit kitchens in every room. That is
20 specifically excluded. We also changed the height
21 limitation of the buildings to 35, not to exceed 35
22 feet. That's the same height limitation --

23 FROM THE FLOOR: 25 feet.

24 MS. ULMAN: That's in the current law. The
25 board is considering raising that to 35 feet --

(Shouting)

FROM THE FLOOR: (Unidentified) That's not an innocuous change at all.

MAYOR MARSHALL: Excuse me, I'm doing this for you. If you cannot comport yourselves --

FROM THE FLOOR: Just say the old law, and new law proposed, so we know the difference. I didn't know it used to be 25. It got right past me.

So if you can just say, you know, it used to be 25 and now it's going to be 35. We'd like it to go to fifteen really. Get it in our favor. Let's change the law in our favor as opposed to accommodating, going up 25 to 35, I think we can go 25 to 15 and everybody here will be real happy.

MAYOR MARSHALL: Doris.

MS. ULMAN: 35 feet is the same height that is the required maximum height for all other uses in our zoning law. This just makes dormitories consistent with our other laws. Your single family houses have a height limitation of 35 feet. It doesn't mean that every building is going to get to 35 feet. But that is one of the considerations **that** is before the board this evening. It has not been done yet. But it is a consideration.

We have included, and we have a thing that's called credits to net lot area. You need a specific

lot area in order'to construct any kind of a
2 facility. In determining the minimum lot area for
3 any project for any project, we as well as most
4 other communities, deduct certain environmental
5 concerns that exist on the property. For **example**, if
6 you have a steep slope on the property, we deduct
7 a certain amount based upon the percentage of
8 steep slope, to get to the, what we call net lot
9 area. You deduct wetlands, because you don't want
10 to build on wetlands. You deduct flood plain, you
11 deduct -what we added to this law was a deduction
12 for wetlands and utility easements, which were not
13 in the law before. It creates the same requirement
14 that we have for other uses in the village. These
15 are very, in my opinion, minor changes. These are
16 not creating new -- they are more restrictive than
17 they are --

18 MAYOR MARSHALL: The change in the law that
19 we're considering, please keep this in mind, is **not**
20 **property** specific. It *is* not directed at the **property**
21 that you all are concerned about. It is directed at
22 the entire village. There is more than one property
23 in the village, on which an educational facility
24 can be built. This law controls what goes on on
25 those properties, for all properties in the

1 village. It is not property specific.

2 You were next.

3 FROM .THE FLOOR: Christina Oliver. I live at
4 29 Country Club Lane, and I was wondering, are there
5 dormitories already existent in the village?

6 MAYOR MARSHALL: No.

7 FROM THE FLOOR: So if there aren't, then can we
8 get rid of the law to allow dormitories?

9 MR. LAMER: I'll take a stab at that one. Under
10 New York State Law, as well as federal law,
11 educational uses get preference, and part of the
12 educational use is the right to build dormitories.
13 What we're doing here is setting -- there is already
14 a dormitory law in the Village of Pomona. Basically
15 we're trying to take into consideration various
16 environmental impacts, like we do with other laws;
17 steep slopes, wetlands, flood plains, environment,
18 utility easements, so in effect when you're
19 measuring the amount that **you** can use for
20 educational use, you have to subtract out those
21 areas where you're not allowed to build. The
22 purpose of the amendment really is to tighten up the
23 existing law. We're not creating a new law. We're
24 trying to make it clear what can and can't .be used
• 25 in connection with the federal and state

requirements.

2 FROM THE FLOOR: My name is Larry Modell, 23
3 Woodfield Road, Pomona. Is there anything in this new
proposal that changes the percentage of land use
5 other than subtracting, that something going from 25
percent to 20 percent or 20 to 25?

6 MS. ULMAN: Basically that's what Mr. Savadhad
8 addressed initially.

9 FROM THE FLOOR: Could we hear that change
10 please.

11 MS. ULMAN: In the prior law dormitories were
12 considered accessory use to a school use, which they
13 are. There was no specific percentage as to what
14 determined the accessory use. The new law creates a
15 25 percent limit on the dormitory use in relation to
16 the total square footage of all buildings on the lot,
17 so that if you have a hundred thousand square foot
18 building, you would be permitted to have not more
19 than 25 thousand square feet of dormitory.

20 FROM THE FLOOR: In the prior statute was it
21 twenty percent?

22 MS. ULMAN: It was nothing. We have no
23 specification. The purpose of this is to clarify
24 what the limitation is.

25 MAYOR MARSHALL: It was allowed but there was no

1 specific -- there was nothing specifically that we
2 could point at. That the whole purpose of this is
3 to tighten up the existing law.

4 FROM THE FLOOR: In making these changes to
5 conform to existing building code for residential
6 use, does it make this new plan in its consistency,
7 more defensible should there be a plan at some
8 future time submitted for the use of this property,
9 so that rather than have something created as a
10 reaction, you're bringing these changes into a
11 pattern that's consistent with what we already allow
12 and for which there is a well established precedent?

13 MS. ULMAN: I believe our law is legally
14 defensible, yes.

15 FROM THE FLOOR: Because I think that's
16 important to hear that these are not just arbitrary
17 changes, but that these are very considered changes
18 made to bring all of our laws into some consistent
19 *basis* for what already exists.

20 MS. ULMAN: But I think it's very important
21 what you brought up, because what we attempted to do
22 here was to clarify and take away some of the
23 ambiguity that existed in our prior law. It's very
24 difficult to defend a law that is ambiguous. If you
25 have clear statements in a law it is much easier to

1 win in court if the case should arise.

2 FROM THE FLOOR: I think it's important, it is
3 much harder to defend something that appears to be
4 an exception than it is to be the rule, and so
5 think everybody has similar concerns, but I think
6 it's important in discussing these changes that it's
7 understood what the genesis was, what the incentive
8 was, and what the ultimate outcome will be, so that
9 you can defend yourselves at some point should there
10 be a question about why they exist.

11 MS. ULMAN: And I may say that that applies to
12 all of our laws. We are constantly looking to make
13 sure that what we have on the books is legally
14 defensible, because if you can't enforce your law
15 you don't have one.

16 FROM THE FLOOR: Thank you for your efforts on
17 our behalf.

18 MAYOR MARSHALL: Thank you very much. I said
19 something earlier that perhaps wasn't clear.
20 Supporting what Doris has just said, existing case
21 law is fluid, just like our laws are fluid. In
22 other words the overall direction that we take for
23 our laws, that are weighed when we go to court on
24 issues, are influenced by case law that comes in on
25 a regular basis. Actually the laws that we, the

changes in our laws here, in almost every case, have been influenced largely by that case law. So it behooves us as responsible government officials to adjust our law so that it's not, it's not something that's hollow, it's something that is real and defensible if the time comes to defend it.

Yes.

FROM THE FLOOR: Joseph Becchnelli (PHON) 30 Skymetal Road, Suffern, New York. I just had a question. With all your experience, do you feel the new law would make it more difficult for a project like this anywhere in the area to go through, or do you feel it would be less difficult for the project to go through with the new laws?

MS. ULMAN: Any project that comes into the village, through any of our boards, is required to comply with our existing laws.

FROM THE FLOOR: I think what everybody is trying to say is we would like to make it tougher for .these project to go on, rather than easier so if you can tell us how we can vote for that.

MS. ULMAN: If the project complies with our law --

FROM THE FLOOR: The change in the law, you said. Aren't we working with it?

MS. ULMAN: We have a law that we believe
complies with state and case law, and if the
applicant submits a proposal that is in compliance
with our law, they will have the right to build. I
read some of the definitions of dormitories, we have
definitions of educational uses.

FROM THE FLOOR: Well, the dormitory one, you
just said they have got to have a school, okay. Now
they know that so that when they draw the plans they
will draw it for a school. I don't think it makes it
harder. It seems like the whole thing is to make it
more clear, that's why their lawyer is here, to find
out what he's got to do to get it through.

MS. ULMAN: If he can produce a plan that
conforms to our law, I think the entire village will
be protected.

FROM THE FLOOR: Okay.

MR. LAMER: I'll take a stab at your question,
if I may. You may have heard at the very beginning
that Mr. Savad was complaining that these amendments
unfairly restrict some theoretical project that
doesn't exist, as far as the village is concerned.

FROM THE FLOOR: Nevertheless everybody is here
for the whole future project. I don't even live in
Pomona, I live up the road. We don't all read the

whole web site. We are here as concerned village
2 people. It seems like you just make it easier for
3 these projects to go on and we as the people are
4 screaming out, how can we make it harder.

MR. LAMER: As I said, Mr. Savad may believe
5 that these amendments unfairly restrict some
6 theoretical project. The proposed amendments to the
7 regulations, and the inherent restrictions due to
8 steep slopes, environmental concerns, as well as
9 height restrictions, and area restrictions, are
10 necessary to promote the public health, safety, and
11 welfare of the village, and its residents. And
12 that's the reason why this proposal is before us
13 today.
14

MAYOR MARSHALL: All right, next.
15

Before you speak, we have to get past this
16 public hearing, how many people want to speak on
17 this?
18

Anyone else? Sure now?
19

Three people.
20

There are three more people who wish to speak
21 in addition to our current speaker, then I would like
22 that to be it, to end this public hearing. Are you
23 sure now that you don't want to speak, anyone
24 else?
25

1 All right, those three people are the only
2 three after this speaker who will come up to speak.

3 FROM THE FLOOR: My name is Michelle Diliberto
4 (phon) 383 Bridget Court, Pomona. When you were
5 speaking about dormitories, and what the changes
6 were going to be, not only just the 25 feet going up
7 ten feet, you also talked about a common area, which
8 would have a kitchen. Am I correct, was that one of
9 the changes as well, a common area for the
10 dormitories.

11 MS. ULMAN: Yes. Common dining area.

12 FROM THE FLOOR: Common dining area, okay. Now
13 I went to college, I stayed in a dormitory. I
14 stayed in a dormitory with a common area that, yes,
15 maybe it is a dormitory on paper, it's an apartment.
16 Apartments that people were living in with families.
17 So how are you going to protect our rights, if for
18 some reason there is a college or something comes to
19 this town, how are you going to protect our rights
20 from families living there, not just the students?

21 I am asking the question.

22 MAYOR MARSHALL: Are you finished? If you are
23 finished then I'll have the question answered.
24 We're not going to debate the question.

25 • MS. ULMAN: Our definition of dormitory states

that it will contain private or semi-private rooms within the dormitory. That is normal to most dormitory definitions throughout the state.

FROM THE FLOOR: That's not my question. You didn't answer the question. You just read the same thing you read to us a few minutes ago. How are you going to make sure families are not going to be moving in there, not just the students. How are you going to enforce it? Thank you. • How are you going to enforce this? That it is not just going to be students. All of a sudden they are bringing in their families, and then instead of 45 hundred you're going to triple it. How are you going to protect that from happening?

Since I've been living here, I was born and raised in Rockland County. I'll almost 32 years old, and I want to make sure that if there is a college built, are there going to be families living there, because what you're saying, these changes are making it very easy for these people to move here, very easy -- you know what, I'm going to go to this school, and guess what, so are five of my kids and so is my wife. How are you going to help us make sure that that doesn't happen? How are you going to enforce this law?

MS. ULMAN: I don't believe four people can live
in a single room.

(Shouting)

MS_ ULMAN: We're not talking about a common
area. Let me finish --

(Shouting)

MAYOR MARSHALL: Doris, why don't you read the
definition.

MS. ULMAN: In the dormitory, as in most
dormitories, there is one communal dining room, one
common dining room for all the students. That is
normal. It was in the school that my children went
to. I mean, that's it.

FROM THE FLOOR: Where I went to I had a four
room with a common area. That's what I'm asking, is
it going to be that.

FROM THE FLOOR: That's not. in here.
Definitely not. Sorry for the misunderstanding.

MAYOR MARSHALL: The definition of dormitory--

FROM THE FLOOR: (Unidentified) You had said two
dining areas, is it going up from one to two?

MAYOR MARSHALL: Oefinition of dormitories.
I'm going to read you the definition of dormitory
that exists in our existing law. To clarify for all
of you who are under a misconception that was

1 brought up by the last speaker, "A dormitory is a
2 building that is operated by an educational
3 institution, located on the same lot, and accessory
4 to the principal school use, and which contains
5 private or semi-private rooms, which open onto a
6 common hallway, which rooms are sleeping quarters
7 for administrative staff, faculty or students,
• 8 communal dining, cooking, laundry, lounge and
9 recreational facilities may be provided. Dormitory
10 rooms shall not contain separate cooking and dining
11 or housekeeping facilities, except that one dwelling
12 unit with completed housekeeping facilities may be
13 provided for a superintendent or a supervisory staff
14 for every fifth dormitory room -- excuse me, for
15 every fifty -- don't get excited -- for every fifty
16 dormitory rooms. Not more than one communal dining
17 room shall be provided in any building used for
18 dormitory purposes." Let me repeat that. "Not more
19 than one communal dining room shall be provided
20 in any building used for dormitory purposes. Single
21 family, two family and/or multifamily dwelling
22 units, other than as described above, shall not be
23 considered to be dormitories or part of -
24 dormitories."

25 That is what exists in our current law. That

1 is what is' being

2 (Shouting, multiple inaudible conversations.)

3 MAYOR MARSHALL: That is not what is being
4 proposed. That is something that will be discussed
5 afterwards to see if we want to do it.

6 The process of this law, it is proposed, it is
7 discussed, and then it is then a public hearing to
8 get the input of the public towards this issue.
9 Mr. Savad, while I don't agree with what he said,
10 was giving input to this law. Now, when we go back,
11 once all the input is in, now it's also submitted to
12 the County, which Mr. Saved asked if the County had
13 responded, yes, they have, I believe you got a copy
14 of the GML -- the County planning board responds,
15 our planning board responds, we ask other agencies,
16 depending on the law. We have gotten responses from
17 each of those, and we'll consider those. Whether
18 this board decides that they want to have two or
19 not, that's for the board to decide, you stick
20 around. We probably will try and act on this later
21 on this evening.

22 The-changes that were suggested by the other
23 agencies that we sent them to, there were two or
24 three, again all minor, nothing that will change the
25 basic substance of the law that exists. All that

we're trying to do is make this clearer and as was
said before, ensure the defensibility if it is
challenged.

FROM THE FLOOR: Can I ask a question.

MAYOR MARSHALL: Come up.

FROM THE FLOOR: Darryl Martin, 48 Ledentown
Road. Where do these proposals come from? Who
suggests these?

MAYOR MARSHALL: They come from various places.
Usually they start with the village attorney. They
are the result, as I said earlier, of case law that
develops. Perhaps a case is put forward that gives a
ruling that causes the attorney, myself, a member of
the board, to look at the local law and say, gee,
is this going to be defensible, is this in line with
the case law that is evolving and if it's not, we try
and change it. We're going to consider later on this
evening, if we ever get there, a local law on
wetlands. That is a result of what happened, of
actions, recent actions taken by the Federal
government, that puts us in a difficult position to
protect our village, so what we did is, we have gone
back, and we are proposing a local law to help
protect the overall village, because of changes at
the federal level.

1 Now, once that law is adopted, I tell you right
2 now, that's the first step. We have a very complex
3 law dealing, for those of you who live on the
4 mountain, dealing with steep slopes.. That was
5 changed. It was changed again. It was changed
6 again. This law is a start, the wetlands law, is
7 start, to put a law on the books a to protect the
8 village. I fully expect over the next years for that
9 law to change and evolve just like all the other
10 laws. What we're considering right here, what we're
11 trying to consider right here, is a law that was
12 developed through the same process. Something
13 triggered it. I don't recall quite what it was. But
14 something triggered it so that the law was written.
15 The law was written. It was discussed, public
16 hearings, it was put on the books.. Now new case law
17 has come forward to make it, to say to us, hey, you
18 better take a look at your local law, is it clear
19 enough, based on the more recent case law, so that if
20 it goes to court, it is defensible. Is it in line
21 with the rest of the laws on the books.

22 Everyone is saying, well, I want it fifteen
23 feet, I want it five feet, but you know what, for a
24 law to be defensible it has to be in line with every
25 other law. It can't be, well, this is one law, we

1 should change this, it should be this way, you can't
2 do it, because you can't defend that in court. It has
3 to be the same as every other building in the
4 village. If every other building is limited to 35
5 feet, you can't say this should be 25 feet because
6 don't like it. You can't do that because the courts
7 will rule against you.

8 FROM THE FLOOR: What about being fairly
9 applied? What about the kitchens? Is it going from
10 one or two, I can't get an answer?

11 MAYOR MARSHALL: A common kitchen area, one for
12 every fifty dormitories. That's what is on the
13 books right now. What one of the agencies suggested
14 is perhaps you need two, not one, for every 50
15 rooms to make it fairer. I don't know. We haven't
16 decided yet.

17 FROM THE FLOOR: (Unidentified) Which agency
18 said that?

19 MAYOR MARSHALL: I'll go back and look. You'll
20 hear it later on in the discussion.

21 FROM THE FLOOR: (Unidentified) Can I explain
22 to-the people here why we're doing this process?

23 MAYOR MARSHALL: I'm not succeeding. Maybe you
24 can.

25 FROM THE FLOOR: Realize the reason that we're

here, and the reason that this gentleman here is
2 taping it, all laws have to be applied fairly *and*
3 equally. I can't say because he's white, he is
4 black, he's Christian, he's catholic, he's Jewish, I
5 cannot say those things because they're wrong. That
6 is not what our country is about.

7 We have to have fair use for everybody. Now
8 what the board is talking about is having fair use.
9 What constitutes fair use? If for example a
10 dormitory should comprise 25 percent of the space,
11 that says what the limit on the space is. It's not
12 saying what the limit for you is, or what the limit
13 for you is, it's saying generally. If we say in
14 response to you trying to build a building, we're
15 changing the law, the courts are going to say,
16 that's a sham, we're throwing it out. That's the
17 reason we're doing this. We're doing thib --

18 FROM THE FLOOR: (Unidentified speaker) Unless
19 you have a religious loophole.

20 FROM THE FLOOR: The point is we're a country of
21 laws.

22 MAYOR MARSHALL: Ladies and gentlemen,
23 understand something, this law, as we consider it,
24 is not a religious use law. It is part of our
25 school law, dealing with schools, not religious use.

It's for fair use.

2 FROM THE FLOOR: (Unidentified) You know, let me
3 ask you one thing, it's really funny how we're
4 talking about law, when you have a group that breaks
5 every law there is, and we are talking about law

6 (Shouting, multiple inaudible conversations.)

7 MAYOR MARSHALL: Gentlemen, neither of you have the
8 floor. Thank you.

9 FROM THE FLOOR: I'm not finished. I just think
10 that it would have been in your better interests if
11 instead of making those statements that you did in
12 the beginning, if you would have said that you were
13 having these discussions to defend laws that were
14 going to help the village. I mean, everybody
15 doesn't know what is going on, so you came in here
16 and you don't realize that you treated us very
17 badly. You don't realize that. That is why
18 everybody is so angry.

19 MAYOR MARSHALL: Then I certainly do apologize.

20 My intention was to set guidelines so that we
21 could get through this long process that is forced on
22 us tonight. In addition there was a lot of
23 misinformation that appeared in the news. Not
24 misinformation necessarily, but information that was
25 premature, that has no basis, based on what the

1 village has. That's why I suspect you're all out
2 there. I welcome the comments We try and run a
3 fair and equitable thing. Everything that this board
4 does, everything, we attempt to do, we try to
5 maintain our laws and what happens in this village, to
6 be in the best interests of the village as a whole.
 That's why we have laws. Otherwise, you know, we
8 don't pass the laws just because, hey, it's fun to
9 pass the laws. We do it because it is part of our
10 charter to maintain the health, welfare, and well-
11 being of the community at large, and, I might
12 •
 add, the community at large is not simply the village.
13 We have a responsibility in what we do to the
14 surrounding community as well.

15 I address those comments to the Town of Ramapo
16 in past public hearings, because I believe in it
17 very strongly. That's what this board does. We are
18 here to defend this community. This community of
19 neighbors that we have, we are here to defend the
20 rights of the people in this community. However, in
21 a fair and equitable manner. If someone owns a piece
22 of property, they have a right to develop that
23 property. That's not my law. That's what the federal
24 government says. We have no choice.

25 FROM THE FLOOR: (Unidentified) But we have

1 zoning codes.

2 MAYOR MARSHALL: We have zoning laws which are
3 designed to control the development'--

4 FROM THE FLOOR: (Unidentified) You've destroyed
5 our zoning and you've destroyed the community. It's
6 as simple as that.

7 MAYOR MARSHALL: Did I miss something?

8 FROM THE FLOOR: If you destroy our zoning
9 codes, you destroy the community.

10 MAYOR MARSHALL: I don't know what you're
11 talking about.

12 Come on up.

13 FROM THE FLOOR: Brett Yagel. 9 Secor Court,
14 Village of Pomona, New York. I understand that
15 there are codes on the book in the Village of
16 Pomona, and I understand that you're tweaking the
17 laws based upon the precedents, that need to be
18 addressed, because if they're not addressed, the
19 village is liable, and if the village is liable,
20 everyone in this audience is liable. Okay. So in
21 defense of the board, they're doing this to protect
22 all of us, because when this goes to court, we will
23 all be in jeopardy, that's number one, okay. I
24 truly believe that the federal law, ARLUPA, is
25 flawed. Nothing has been, on the establishment of

1 the use case and zoning, that's the side.

2 Regarding the dormitory law, on the second
3 page, number twelve, third line, there is a typo,
4 dormitory, not dormsitory. 12 C. the maximum height
5 of a dormitory building shall be two stories or 25
6 feet. I don't know whether, if I have an old copy
7 or not, but if you're saying it has to be 35 feet
8 you're informed then it should be 35 feet, I would
9 guess.

10 MAYOR MARSHALL: It is something that we have
11 to consider.

12 MS. ULMAN: The one you have is the old law

13 that was proposed in the public hearing. The
board
14 has not adopted that. That's the one that we're
15 considering, but it can be changed if the board
16 desires.

17 MAYOR MARSHALL: The public hearing we're now
18 in the middle of, hope the end of it, is a
19 continuation of the public hearing from last week,
20 the same with the house of worship.

21 FROM THE FLOOR: Last month --

22 MAYOR MARSHALL: Last month, excuse me. We are
23 required by the process, by law, to continue the
24 public hearing based on the original law. Now there
25 is possible input that could change some of this, at

1 least tweak it in some way. That will be discussed
2 when we discuss the possible passage.

3 FROM THE FLOOR: I would ask that it be
4 considered that the set back from the front street
5 or the dormitory buildings should be in the rear of
6 the educational building. That is something that
7 has not been applied in other areas of our town.
8 I know our zoning is somewhat more restrictive. The
9 set back is not mentioned in this, and I just wanted
10 to question that.

11 MAYOR MARSHALL: You're proposing a set back.

12 FROM THE FLOOR: I'm proposing that you consider
13 a set back from the front street or the dormitory
14 building, and that the dormitory building should be
15 in the rear of the educational buildings.

16 MAYOR MARSHALL: Anything else?

17 FROM THE FLOOR: That's it.

18 MAYOR MARSHALL: Thank you.

19 FROM THE FLOOR: My name is Josephine Montella.
20 46 White Birch Drive. When I came here, we
21 established the Town of Pomona and the zoning we
22 desired, the zoning to be one acre zoning. That to
23 me is what kept the neighborhood so lovely. The
24 zoning is very important. I don't want the zoning
25 changed. We're talking about, we're talking about

six story buildings? What are we talking about?

2 MAYOR MARSHALL: We're talking about -- you all
3 are talking about six story buildings -- we're
4 talking about a 35 -- 25 foot two story building.
5 That's what we're talking about.

6 FROM THE FLOOR: 25 foot?

7 MAYOR MARSHALL: Yes, your house, the
8 limitation on your house is 35 feet. Now we might,
9 this law, we might consider a change to 35 feet, so
10 it coincides with the rest of the village. That is
11 not a six story building. A six story building is
12 something that was written about in the newspaper.
13 That is not what we're considering.

14 FROM THE FLOOR: I would say that I don't think
15 that would be possible in an area with the codes,
16 with the zoning codes the way they are, unless
17 something is happening here where somebody is paying
18 a tremendous amount for a lot of leadway.

19 MAYOR MARSHALL: We are not considering a six
20 story building.

21 FROM THE FLOOR: So what are we considering? A
22 two story building?

23 MAYOR MARSHALL: Let me try and explain so that
24 you understand. This law places a limitation on the
25 size of any dormitory that is built, on the height

...
2 of any dormitory that is built, and most
3 importantly, that any dormitory that is built, be an
4 accessory use, to a school that was built. What you
5 have read, and what everyone is trying to address,
6 is not what we're discussing here. We're discussing
7 our local law, which says what I read before, it
8 limits the area, the size, the height of the
9 dormitory. Now a lot of it has been on the books, so
10 these are just minor changes. Most of this has been
11 on the books, limitations as to what can be built.
12 We are not discussing six story buildings or
13 whatever.

14 FROM THE FLOOR: Well, I would say that there is
15 no possible way that you're going to get through a
16 six story building, but what is your real
17 objective? What are we trying to get through?
18 That's what I'd like to know. In other words are we
19 going to start off with a six story building, and
20 then in the end we're going to feel very satisfied
21 if we walk away and it's a three story building?

22 MAYOR MARSHALL: We're not --

23 FROM THE FLOOR: You don't understand what I'm
24 trying to say. You don't understand what I'm trying
25 to say.

MAYOR MARSHALL: We're on two separate roads.

1 FROM THE FLOOR: Please continue.

2 MAYOR MARSHALL: We are not here to considera
3 six story building. We are not here to consider
4 anything other than an adjustment of our existing
5 law.

6 FROM THE FLOOR: What is that, what is that?

7 MAYOR MARSHALL: On dormitories, which allows for
8 a two story building to be built.

9 FROM THE FLOOR: And this is for higher
10 education?

11 MAYOR MARSHALL: For any school use.

12 FROM THE FLOOR: If there is a college or a
13 higher education, anyone can go to it if they desire
14 and can either afford to go to it, or they have a
15 scholastic --

16 MAYOR MARSHALL: That is not within the purview of this
17 village to say who can go to what. That solely depends
18 upon who owns the property, and who is building the
19 building. However, what is within our scope is to
20 say, you can build a building so large that will
21 house so many students, because it's in line with
22 state law and case law. Our law can say, you can
23 build a dormitory, but it can only be so big, and
24 cover so much area, and can be only so high, and has
25 to be a dormitory that is connected to

the school. That is what our law says. That is what we're speaking about. We're not- talking about any projects. We are not speaking about -- this law does not address property specific items. We are not -- this is not directed at the camp at 306, or the property on 202 that has 40 acres, or the property on the mountain that has ample acreage to accommodate that sort of thing. If somebody builds a school, whether it be a religious school, a secular school, whatever it is, these are the rules that apply, that's what we're discussing. Did I help you?

FROM THE FLOOR: (Unidentified) May I speak for three minutes?

MAYOR MARSHALL: You're next.

FROM THE FLOOR: Well, my whole objective here is that I didn't want the zoning codes changed.

MAYOR MARSHALL: You're confusing what was done in the Town of Ramapo. That is not what is happening here. We are simply polishing our existing law.

FROM THE FLOOR: You're not changing our zoning codes?

MAYOR MARSHALL: What we're doing is simply making it more easily interpreted. That is what we

1 are. doing. We are not changing the essence of our
2 codes. This gentleman first, then Jeff, then you.

3 FROM THE FLOOR: Vince Grapella (phon) 29 Sky
4 Meadow Road. Mr. Mayor, I see what you're trying
5 to do. Now, there will be variances, and then our
6 worry is, in a planning board, zoning board, will
7 they give a variance. This monstrosity will have a
8 set back of 20 feet from the curb, for dormitory,
9 for housing. Now I think all of us were very
10 emotional. It would be nice, this board is so
11 passive, it would be nice to hear all of you saying,
12 hey, I know how you all feel. You all look dead up
13 here. And, Mr. Mayor, I'd like to hear you say, you
14 know, you're listening to us, and you are really
15 stretching your protocol, your decorum of your
16 meeting, and I appreciate it, but I'd like to hear
17 you say, I know how you feel.

18 You know, in America, we have the sense of
19 community. That's our face. We're going to be another
20 Kiryas Joel. That's why we are emotional. You can
21 get into the environmental impact and all that.
22 • That's all I have to say.

23 MAYOR MARSHALL: Ladies and gentlemen, there
24 isn't anyone sitting up that doesn't know how you
25 feel.

Yes.

2 FROM THE FLOOR: (Name and address inaudible)
3 I know this is a very emotional issue for everybody
4 I was involved probably from day one with lots of
5 the fighting out in the Town of Ramapo, with the
6 supervisor and everything like that; so I know what
7 it's like to be emotional and crazy about things.
8 think that people are misinterpreting this. They
9 are not, this is not the Town of Ramapo. This is
10 the Village of Pomona, okay. I think people are
11 misinterpreting this. I really feel they are
12 fighting for us, okay.

13 It's frustrating. Like I said, I've been
14 involved since day one with everything. It sounds
15 to me like they are on our side. They're not
16 against us. I think there is some **misinterpretation**
17 going on around here. I think the changes that they
18 are going to try to make are positive things, not a
19 negative thing. With all the negative information
20 that usually happens in a situation like this,
21 everybody just be cool. I really think that they
22 have our best interests in mind, in my honest
23 opinion.

24 FROM THE FLOOR: (Unidentified) I think a lot
25 of us would have been happier if they'd said that

right off the bat.

FROM THE FLOOR: You know, just quick --

MAYOR MARSHALL: You're jumping the line.

FROM THE FLOOR: Greg Briem. The frustration that we have is that you knew of the press that had come out, whether it be true or not. You knew that it was out there, and you know we were very, very upset. I think what would have helped us is if at the beginning of this meeting, you had said, this is what is going on, we know that you've read this, we are here to protect your interests, and the amendments to this law, this project, this alleged project, with the alleged attorney who is allegedly sitting here, produces 'it, that these amendments will defend us. If you had said that in the beginning, I don't think as many people would be as upset as they are, because we don't know where you stand.

MAYOR MARSHALL: Ladies and gentlemen, let me say something. We sitting at this table have limitations that are placed on us as to what we can say, and what we can't say, because our attorney tells us what we can say and what we can't say. I can't say what I feel -- I can't -- if I agree with you, I don't agree with you, I don't have that

1 luxury of being able to say that here. All that I
2 can say is that every member of this board works
3 very, very hard to do what is best for this
4 community. You have your issues. Don't assume
5 because no one has gotten up and said, wow, I agree
6 with you, oh boy; don't assume that because we
7 didn't do that that we don't agree. We may or we
8 may not, but please give us the benefit of the
9 doubt. We have all been doing this -- we work very
10 hard at what we do. We try and do what is best for
11 the community, but it's our home.

12 There are limitations under the law that
13 restrict what we can say and when we can say it.

14 FROM THE FLOOR: Marvin Neiman, 14 Deer Run.
15 have a couple of questions I'd like to get clarified on
16 Miss Ulman's presentation. I believe that you said
17 that by increasing the height to 35 feet you're only
18 doing that to make it comparable to residences within
19 the village. Residences within the village, I
20 believe, have certain restrictions, possibly as far
21 as basement exposure. I am not sure about the use of
22 basements in homes, and also I believe
23 whereas they're allowed to be 35 feet, they're
24 restricted to two stories. I'm sorry. Where
25 they're allowed to be 35 feet, they're restricted to

two stories.

2 Now, by increasing -- that's not true? Homes
3 can be three stories?

4 Therefore homes can be three stories plus a
5 basement?

6 MS. ULMAN: Homes can be not higher than 35
7 feet.

8 FROM THE FLOOR: So a normal story in a building is,
9 give or take, ten feet, so therefore with a basement,
10 in theory, a building can be the basement and three
11 stories above; is that correct?

12 MS. ULMAN: Depends on the grade, and the
13 height. If you can get three stories into 35 feet,
14 which I doubt, then it's permitted. If not, it's 35
15 feet.

16 FROM THE FLOOR: Are there any restrictions as
17 far as basement exposure above ground?

18 MS. ULMAN: I don't believe so.

19 FROM THE FLOOR: If somebody called something a
20 basement --

21 MS. ULMAN: It is not what you call it. The
22 definition, -a basement is a different definition, a
23 cellar, depending on --

24 MAYOR MARSHALL: Let me interrupt for a second.
25 Local law, paragraph twelve, item D. says, No

dormitory room or dwelling unit shall be permitted
in any cellar. So what you're referring to, this law
prohibits.

FROM THE FLOOR: Thank you.

MR. MAYOR: Next?

FROM THE FLOOR: Doctor Richard Neiman,
25 Haley Drive, one simple question. Given a
hypothetical project that is surrounded by two
major roads, one of them with a 50 mile an hour
speed limit, the other one with a 40 or a 45 mile an
hour speed limit, would you look at the utilization
of their property regarding a school differently than
one that's bound by a 30 mile an hour speed limit?
My question is, should we have different set backs,
different density issues when we're looking at
surrounding roads, which have traffic moving at
such a pace; does that represent an additional
hypothetical threat or potential injury, to a dense
project that's bounded by roads like that?

MR.MAYOR: Please understand that when

project development comes into the village, there
are public hearings. When it is a major project,
for example there is a 40 unit developMent that is
being considered up off of Coal Hollow Road. When
that happens there is an environmental impact study

2 that is done for that project. It considers all of
3 the issues; drainage, traffic, whatever it is. If
4 the project that every one is addressing here comes
5 into the village, that same requirement will apply
6 and all of the issues will be brought to the table.

7 That is during that process, that's the time
8 for every one to come in and say, what about this,
9 what about this, I don't like this, I don't like
10 that. That's the time to do that.

11 FROM THE FLOOR: It seems to me if we are
12 looking at other institutions in the area, looking
13 at other religious buildings in the area, which are
14 bound by roads that are fixed at 30 miles an hour,
15 does it make a difference regarding a set back and
16 density issues, if your set back twenty feet from a 50
17 mile an hour road, compared to a 30 mile an hour
18 road? Are there different hazards involved in
19 addressing density issues based on the surrounding
20 roadways?

21 MR. LAMER: With regard to the law that we're
22 talking about tonight, it's not specific to any
23 particular property. If there is a project proposed
24 that comes before the board for a special permit,
25 then all of those factors will be considered in
determining whether a project is approved and if

it's approved, the size and scope of the project.
2 So if it's bordered, theoretically, by high speed
3 roads, that very well may be a factor in how far
4 back the buildings would have to be from the road?

5 Can that be written into our regulations
6 somehow, our zoning regulations regarding speeds on
7 roads?

8 MAYOR MARSHALL: The only concern that I have
9 with doing that is you may be limiting it to a
10 specific property and we're trying to make this very
11 neutral.

12 FROM THE FLOOR: Do it uniformly. The entire
13 202 corridor I think is 50 miles an hour pretty
14 much, and part of that corridor falls within your
15 : jurisdiction. Can't we establish special issues, in
16 a uniform fashion, when there is a fifty. mile an
17 hour road surrounding a school? Can't we address
18 that this evening as being a significant issue
19 regards --

20 MS. ULMAN: Our current law requires that all
21 structures on any school properties be set back a
22 minimum of .125 feet. That's minimum. During the
23 project process for the planning board, as we
24 stated, those issues relating to traffic and so on
25 are addressed. They're environmental issues. If,

—
for safety purposes, it's necessary for there to be
more than a 125 foot set back, that would be
determined during the environmental review process.
Very difficult to determine in advance.

FROM THE FLOOR: But it's impossible for you to
say for a school with potential children

MS. ULMAN: 125 foot set back. That's a pretty
large set back.

FROM THE FLOOR: Within a uniform fashion from a
30 mile an hour roadway, to a fifty, that's my
question, can you establish policy?

MAYOR MARSHALL: We cannot establish a policy
that is absolutely, because each of these projects
varies. The way the process is set up, that would be
considered as part of the environmental impact
review, and if it was *determined that it was a
problem, then the applicant, whoever that applicant
might be, would be required to provide mitigation
for that sort of question. It's only one type of
question. There are lots of other things that could
come into play. Without seeing a project, without
knowing where it is, and what -- ladies and
gentlemen, I can't have side talk because we can't
hear.

Those issues are all valid issues that will be

1 addressed in the process, and also every one will
2 have a chance to speak to them in the process, and I
3 encourage, whoever cares who is here, when we have
4 that process, come out and express your concerns()
5 that we can force the addressing of those *issues*.
6 Development doesn't happen willy filly when the
7 management authority, which is us, is responsible.
8 I like to think that we're responsible. If a
9 project comes in, like the project on Coal Hollow
10 Road, a study is done, all of the issues are
11 addressed. There are things that come up that you
12 cannot envision right now, that will come into play
13 when the project, whatever that project is, is
14 considered. That's how the system works.

15 FROM THE FLOOR: Thank you.

16 MAYOR MARSHALL: Rita, you're next.

17 FROM THE FLOOR: Can I just say first of all, I
18 didn't sign a photo release, and I do not allow you
19 to use any portion of the tape that has my image on
20 it. Thank you.

21 Rita Lewis, 1 Secor Court, Pomona.

22 (Background noise)

23 MR. MAYOR: Ladies and gentlemen, please be
24 courteous, thank you --

25 FROM THE FLOOR: When you talk about the height

of 35 feet, I just want to say that in residences 35 feet is to the top of the ridge line. Most homes have a pitched roof. Chances are if an educational facility should come in with a dormitory they'd have a flat roof, so 35 feet is not consistent with residences, if you are trying to be consistent. Maybe you need to tweak that and make it more specific to the type of roof that's being used; if it's a pitched roof, 35 feet, with an attic space; or if it's a flat roof, you need to keep it at the 25 feet.

The other thing is there is a lot of talk in all of these amendments about net lot use, net lot area. However, in the codes, in the village codes there really is no description of the net lot area, in terms of a homeowner cannot buy all the lots around them, and increase their lot in this area, in order to comply with this code, so I think there should be something a little more specific [about net](#) lot area, and what determines net lot area, and checked the code, I checked all the definitions and the net lot area is not defined clearly enough, in order to, you know, have a homeowner, if someone up on the mountain wants to suddenly have a ten thousand square foot house, instead of a six

thousand square foot house, and they buy both lots
either side of them, it's not specific enough.

Thank you.

MS. ULMAN: I believe we do have a definition of
the net lot area, and its uses.

FROM THE FLOOR: I looked in 130, I looked in
118. Maybe I missed it.

MAYOR MARSHALL: We'll consider that.

FROM THE FLOOR: The other thing is, one more
thing is, I think it's more specific to another law
that's going to be talked about tonight, the house
of worship, the buffer zones are also unclear in
the code. And I know what happened with the Hindu
Temple, the buffer zone is really inadequate. I'd
like to see more be a conservation easement on the
set backs on all four sides, rather than just an
unclear buffer zone. Thank you.

FROM THE FLOOR: Carlos Savarello (phon) 2
Sagamore Circle, Pomona, New York. I have a
question that this proposed amendment that you're
talking about, would be -- obviously there'd be a
voting on it; when would that voting be and where?
What particular time?

MAYOR MARSHALL: I thought it would be tonight.
We'll see. Hang around.

1 It would be nice to get this off our agenda.
2 We'll try and do something for this.

3 FROM THE FLOOR: One more question. Do all the
4 members of the board reside in the village whidlyou
5 represent?

6 MR. LAMER: 2 North Ridge Road. I have one
7 graduate of Ramapo High School, two seniors.

8 FROM THE FLOOR: I just want to make sure that
9 we're on the same page here..

10 MAYOR MARSHALL: You cannot be a member of this
11 board unless you're a resident of the Village of
12 Pomona. We all live here.

13 FROM THE FLOOR: Steve (name inaudible) 12 White
14 Birch Drive. Concerning the height issue, my
15 understanding from a project, which shall remain
16 nameless, but I can see from my bedroom, is that the
17 35 feet is determined from the proposed grade. In my
18 naivety I thought it was from the existing grade,
19 and I would kind of like that clarified and perhaps
20 suggest to the board that in the future, however
21 this height is applied throughout the village,
22 whether it be residences or other uses, that it be
23 from the existing grade,-not the proposed grade,
24 because as a neighbor, you look at a piece of
25 property and say, nothing can be built more than 35

feet above that, and I can live with that. And then
2 they regrade and it's eight to ten feet higher, and
3 then they put a 35 foot structure up, so I would
4 suggest, I think it was explained to me that it is
5 the average of the four corners of the structure,
6 which is the point that you measure from, so I would
7 like that footprint put down to the existing grade,
8 and then measured -- not if they want to raise it ten
9 feet, god bless 'em, but they lose ten feet of the
10 height of the construction.

11 MAYOR MARSHALL: You make an interesting point
12 and I will tell you this; that we will consider this
13 as part of our consideration of this law, but we will
14 also discuss this in terms of our overall code and
15 see if it has to be amended to accommodate what
16 you're saying.

17 FROM THE FLOOR: I would appreciate that.
18 Thank you.

19 MAYOR MARSHALL: Anyone else?

20 FROM THE FLOOR: (Name inaudible) I am just
21 curious and I may be mistaken, but I was listening to
22 what you were saying about the dormitory law, and I
23 didn't hear you say anything -- I mean, I went to
24 college, and I couldn't bring my spouse to live with
25 me in my college dorm. Is there anything in your

1 law, or can we put something in your proposed law,
2 that state's that it is for students only, and not
3 for family members, because I'm pretty sure that I
4 read in the paper that it said rabbinical students
5 and their families. That is my concern. I would
6 really like if you can consider that, and possibly
7 put something in there, otherwise any college in New
8 York State would be flooded with family members and
9 children, and all of that sort.

10 MR. LAMER: The dormitory law presently on the
11 books, and it is not going to be changed by any
12 amendment, presently says, administrative staff,
13 faculty, and students. That's all that it permits
14 under the dormitory law.

15 FROM THE FLOOR: Did you also see what I saw in
16 the paper, and their families?

17 MAYOR MARSHALL: Please understand, what you
18 saw in the paper was something that the paper wrote
19 because they saw something that we didn't see.
20 There is no project that has any dormitories, six
21 story, eight story, ten story, that is before us. I
22 read the paper as well. You know, it caused
23 everyone to come out, which is kind of interesting.
24 That is not what we're considering here. If a
25 proposal of that sort comes into the village, then

it will be gauged based on our existing law. Now I
would comment further -- IM get in trouble, so I
won't comment further. But it will be considered in
terms of our existing law.

FROM THE FLOOR: Is there anything that we can
put into the law to truly protect that?

MAYOR MARSHALL: I think what Alan was saying
is that it's in the law. It doesn't state --

FROM THE FLOOR: A little more specific.

MAYOR MARSHALL: Accessory use really addresses
that to some degree.

FROM THE FLOOR: And there is always loopholes
and there is always ways around those type of
things_

MAYOR MARSHALL: Let's see what Doris has to
say.

MS. ULMAN: I think our current law is the same
language that you'll find in almost any other
dormitory law, and as read by Alan I think it's
adequate.

FROM THE FLOOR: I think maybe that that law is
proposed for the state and not for particular
villages that are trying to protect their --

MAYOR MARSHALL: But we're bound by that. FROM

THE FLOOR: But if we're trying to protect

our village, is there a way that we can put
amendments to that law? That's what we're here for,
right, to change or make some minor amendments to
the law?

MS. ULMAN: I would not want to do that.

FROM THE FLOOR: Why?

MS. ULMAN: Because it could put our whole law
in jeopardy.

FROM THE FLOOR: How is it controlled in SUNY
schools, let's say, for only students who are
attending schools to be able to do that?

MAYOR MARSHALL: Let me read the last line of
our definition of dormitory. I don't know if you
were here when I read it. The last line of our law
in the definition of dormitory in our law, says,
single family, two family and/or multi-family
dwelling units other than as described above shall
not be considered to be dormitories or part of
.dormitories. That's what it says in the law.

FROM THE FLOOR: So they will call it something
else.

MS. ULMAN: We only permit dormitories. It
doesn't matter what you call it. It has got to look
exactly like what we have in our law.

MAYOR MARSHALL: If someone calls it something

1 else and we feel that it doesn't fall under our
2 definition, we will say no and then it will go to
3 court and a judge will decide.

4 FROM THE FLOOR: One other issue that I am just
5 thinking also is the 35 feet height. Now, correct
6 me if I'm mistaken, I believe that ceilings can be
7 built at an eight foot level, is that true, so if
8 they are eight feet we could truly get quite a few
9 stories in there.

10 MS. ULMAN: There is a space in between floors.

11 FROM THE FLOOR: But you could still get a four
12 story building?

13 MAYOR MARSHALL: The existing law that's being
14 proposed says a maximum height of a dormitory shall
15 be two stories or 25 feet, whichever is less. We
16 haven't accepted 35 feet, or anything else. It is
17 something that is being Considered.

18 FROM THE FLOOR: I think a lot of the questions
19 that I heard other people asking is why change that?
20 It sounds like you're making it easier.

21 MAYOR MARSHALL: You're assuming that we will.

22 FROM THE FLOOR: Well, if it is something that is
23 being proposed, who proposed it?

24 MS. ULMAN: I did.

 FROM THE FLOOR: Why?

1 MS. ULMAN: In order to make it consistent with
2 our other height requirements.

3 FROM THE FLOOR: But why change it if everyone
4 here is

5 MS. ULMAN: Because I believe that legally

6 MAYOR MARSHALL: You made your point?

7 FROM THE FLOOR: I made my point? Okay, thank
8 you.

9 MS. ULMAN: Do you have one question?

10 MAYOR MARSHALL: If I let you speak again,
11 everybody is going to want to.

12 FROM THE FLOOR: Just one question, will the
13 concept of restricting families pass the **challenge**, at
14 least under state education law. I remember when
15 I went to school there was married student **housing**.
16 So just a question, then a request to go back to
17 make sure that there is no proviso in the education
18 law for restriction of students and no spouses.

19 MS. ULMAN: We don't address that issue in our
20 law.

21 MAYOR MARSHALL: We cannot do that.

22 MS. ULMAN: Our law does not specify spouses or
23 restrict, that's correct.

24 MAYOR MARSHALL: Okay, I want to get this over
25 with guys. Does anybody have one last shot who

hasn't spoken?

2 FROM THE FLOOR: Last question.

3 Joe Keller, 7 Linden Court. Will the students
4 have a right to vote in the community?

5 MS. ULMAN: If they are residents, and they
6 register.

7 When I daughter went to college she was able to
8 vote in the community in which she lived.

9 FROM THE FLOOR: Fine, thank you.

10 MAYOR MARSHALL: Anyone else? Okay.

11 Is there a motion to close the public hearing
12 on dormitories?

13 MR. SANDERSON: So made.

14 MR. LAMER: Second.

15 MAYOR MARSHALL: All in favor? Opposed?

16 Okay, carried.

17 Is there a motion on the existing law that is
18 under consideration?

19 Ladies and gentlemen of the board, discussion
20 on the comments from the public and the local law
21 that is proposed? Alma?

22 MS. ROMAN: I am not prepared to comment,
23 because I heard so much.

24 MAYOR MARSHALL: Alan?

25 MR. LAMER: I have a couple of comments.

2 Firstly just a general comment. I believe that the
3 amendments, in whatever shape they finally take,
4 will allow us to have a neutral law of general
5 applicability, for the application of which will
6 involve just a numeric or mechanical assessment and
7 therefore will be sustainable in a court of law.
8 And we're getting rid of any partially subjective
9 criteria, which would make it subject to challenge.

10 I believe that the law will not allow whoever
11 approved any special permit to require an
12 individualized assessment in the implementation of
13 these land use regulations. Specifically, I think
14 that although the 35 foot height restriction is
15 consistent with the residential zoning, it's clear
16 that residential houses are different than dormitory
17 houses, and I believe that we need a different
18 height restriction, due to the fact that we have a
19 flat roof building. It should be the 25 feet. I
20 also believe that we don't need to increase the
21 communal dining rooms to two and that one would be
22 sufficient for a dormitory, as set forth in the
23 statute.

24 MR. BANKS: On the height of the building, I
25 think if in fact the dormitories are, as in the law,
are an accessory use, that the same law should apply

2 to dormitories as an accessory use, as applies to
3 regular houses in the village. In the village an
4 accessory use building is limited to twenty feet, and
5 the principal residence is 35, so I think to be
6 consistent with our law, accessory use height is
7 twenty feet. That's what it is everywhere else.

8 MR: MAYOR: Anything else.

9 MR.. SANDERSON: Well, I think that based on the
10 input from the public this evening, I think it's
11 very clear that there is a great deal of concern
12 about the additional changes from the amendments
13 that were first proposed on December 18th. It's my
14 opinion that we should go back to the December 18th
15 amendments. We should cut out the two dining rooms
16 and go back to one. We should go back from 35 feet
17 to 25 feet, which is clearly more acceptable, and if
18 we're going to do that, we should probably go back
19 to 20 percent coverage instead of 25 percent, and
20 keep it the way it was at the first public hearing.

21 MAYOR MARSHALL: Would someone like to make a
22 motion?

23 MR. SANDERSON: I will make the motion to adopt
24 the local law amending the zoning of the Village of
25 Pomona in relation to dormitory buildings as
presented in the December 18th public hearing,

1 without further amendment.

2 MAYOR MARSHALL: Would you like to add a
3 correction of the spelling?

4 MR. SANDERSON: We can add Brett's typo, the
5 dormsitory.

6 MR. LAMER: Second.

7 MS. ULMAN: We need a SEQRA determination with
8 that resolution.

9 MR. SANDERSON: I can do that. Are we going to
10 do that in a middle, or are we going to do that
11 before the motion, before we adopt the motion on the
12 table?

13 MS. ULMAN: You can do one motion, but start
14 with the SEQRA.

15 MR. SANDERSON: I can add to the motion at the
16 beginning.

17 MS. ULMAN: Yes.

18 MR. SANDERSON: Well, adding this to the
19 beginning of my initial motion; resolved that the
20 proposed action is an unlisted action, that will not
21 have a significant adverse impact on the environment
22 for the following reasons; that the accessory
23 dormitory use does not increase the physical size or
24 density of the primary school use, and will not
25 increase traffic, water run off, noise, odors, or

community services, and under existing New York State case law dormitories are required to be permitted in residential neighborhoods. The proposed local law helps to mitigate any potential impacts, as do the site plan and special permit processes to which each individual application is subject. By limiting the size and creating setbacks, the local law has a beneficial rather than adverse environmental impact. And three, any other potential impacts not already addressed in the dormitory and school use legislation will be more likely to be found on a case by case basis, and addressed during the site plan, and special permit processes, to which each individual application will be subject, and be it further resolved, proposed local law, the proposed local law amending the zoning law of the Village of Pomona in relation to dormitory buildings is hereby adopted -- not as amended -- as originally proposed in the public hearing of December 18th, and will be enacted as Local Law Number One of 2007.

And be it further resolved that the General Municipal Law Review set forth in the December 18th 2006 letter issued by the Rockland County Department of Planning is hereby over ridden for the reasons

that, one, contrary to the statement set forth in the letter, there is currently a parking requirement for private schools in the village zoning law, which the board believes is sufficient for the dormitory use, and, two, the dormitory use is related to the total square footage of all buildings on the lots, not to the lot area, so that the board does not believe that the minimum lot area needs to be increased.

MAYOR MARSHALL: Is there a second to that motion?

MR. LAMER: Second.

MAYOR MARSHALL: Any further discussion? On the proposed resolution, all in favor? Opposed?

Let the record show the Amendment to the Local Law dealing with dormitories is adopted as presented.

Motion to close the public hearing?

(So moved, seconded and carried.)

MAYOR MARSHALL: The public hearing is closed.

(Next two items not transcribed)

MAYOR MARSHALL: The next item on the agenda, a proposed local law amending the code of the Village of Pomona relating to wetlands protection.

Although I will probably have to go over this again sometime, let me point out several things. Number one, this local law in some form or other has been under consideration by the Village of Pomona since I believe it was 1997. During the initial consideration of the local law it was decided to adopt a much amended version, because there was protection by the federal law, and the Corps of Engineers for our wetlands. That was enough to protect us. That was taken away fairly recently. As a result the local law that is being presented is an entirely new law, which in part, in large part, correct me if I'm wrong, mirrors the state code on wetlands.

MS. ULMAN: It's very similar to the State D. E. C. regulations on wetlands, yes.

MAYOR MARSHALL: Taking it one step further and then I'll defer this to Doris in a minute. The bottom line of this is, it defines what wetlands are. It allows us to protect a smaller wetlands, and it does that by classifying the smaller wetlands in the same category as protected trees, requiring the mapping by every developer, by every parcel that is presented. It goes a long way towards the protection of those vital pieces of property which

1 protect drainage, which protect the actual
2 environment, the conservation, of the village in
3 general. It is something that is needed. Again, I have
4 to emphasize, it is not parcel specific. It is a law
5 that is designed to protect the entire village and
6 every parcel that is under consideration here within
7 the village.

8 That being said, Doris, would you like to add
9 anything else before I open this up to the
10 floor. MS. ULMAN: No, I think you covered it.

11 MAYOR MARSHALL: The public hearing is now
12 'open. Betty can be first.

13 FROM THE FLOOR: Betty Hedges, 11 Ladentown
14 Road, Pomona.

15 MAYOR MARSHALL: Are you speaking for yourself
16 or the conservation association?

17 FROM THE FLOOR: I'm speaking for both, if I
18 may. Mayor Marshall and members of the board, I am
19 president emeritus of the Rockland County
20 Conservation Association, which was founded in 1930,
21 long before any of you were born, and it has worked
22 all these years to protect and conserve our natural
23 resources. I commend you on your action to protect
24 wetlands by the addition of Chapter 126.

25 As we know, wetlands provide enormous benefits

1 to a community. They are a valuable resource, and
2 must be protected. Adoption of this amendment will
3 serve the public good, and I thank you very much.

4 MAYOR MARSHALL: Sir?

5 FROM THE FLOOR: Paul Savad. I am going to
6 repeat a few things. I'm the attorney for the
7 largest undeveloped parcel in the village. I
8 believe it is the largest undeveloped parcel. And
9 I'm speaking, to make it clear, only about this law
10 as it applies to not only our property, but also as
11 it applies to many, many other properties in the
12 village. And with all due respect, and I have
13 spoken to a few wetlands experts, I think you have
14 some problems with this law, which I'd like to bring
15 to your attention.

16 This applies again not only to the Tartikov
17 property, for which no application has been
18 submitted, nothing is before the board, and we have
19 not spoken to one member of the board about this. I
20 am speaking here only about the proposed laws which
21 happen to have come to my attention.

22 Okay, and I think this is important, the
23 ordinance is designed to regulate use. It's not
24 designed to protect wetlands. I am going to explain
25 how it could be used in a discriminatory manner, in

a subjective manner, by this particular board.

2 The first thing, the environmental aspects, so
3 say the experts, of the proposed statute is missing.
4 Where there is disturbed habitat there should be
standards for rehabilitation and restoration and/or
6 relocation. What is disturbance? Disturbance could be
7 as much as fifteen or twenty years ago. For example,
8 logging, farming, construction before SEQRA and
9 before storm water management. Missing from the
10 proposed text amendment are mitigation standards
11 present under federal and state 'environmental laws,
12 which would allow the relocation of these disturbed
13 areas to other portions of the property.

14 This ordinance is use oriented, not
15 : environmentally oriented, because it is specifically
16 oriented towards reasonable efforts to use, when it
17 should be directed towards mitigation.

18 In respect to the Tartikov property, we believe
19 that our property has disturbed areas because of
20 cottages built many years ago, which are called
21 fingers, which were artificially created. This now
22 becomes a use control device rather than
23 environmental mitigation.

24 Further, the assumption that this ordinance is
25 to fill a void created by federal law is incorrect

1 and false. There is no substantive void because the
2 current change in the Army Corps's jurisdiction is
3 for isolated wetlands which rarely exist, like ponds
4 out in the mid west, not connected to waterways. No
5 more laws are needed, because the vast majority of
6 wetlands are under the present, current jurisdiction
7 of the Army Corps of Engineers and the DEC.

8 In fact, I respectfully refer the village
9 attorney to the fact that on March 18th 2007 the
10 Army Corps of Engineers will be publishing new
11 regulations creating buffers and yards (sic) of up
12 to 50 feet, which would apply to property in this
13 . village. This is what is happening as a result of
14 this ordinance. It creates an additional permitting
15 layer. B., since no mitigation standards, then
16 respectfully the trustees can arbitrarily the yard
17 to what they deem to be reasonable uses, and then
18 can say, you can go to court. That's contrary to
19 the way the present federal and state laws are
20 applied, and this is a badly written law. It's
21 arbitrary and capricious.

22 The criteria should not be reasonable use
23 because it's subjective. It should be based upon
24 the ability to mitigate and that's what the
25 environmental experts talk about. Let me give you

1 an example: A 40 by 50 pond located on anybody's
2 property in this village, or by a stream on a one
3 acre property, now the one hundred foot buffer
4 sterilizes the ability to build a deck, a pool, or
5 any other structure without coming before this
6 village board. Then this village board now has to
7 decide reasonable use. Many existing lots now
8 become non-conforming and preclude any expansion,
9 without first going to the village board.

10 Oversized lots, three or four acres, will not
11 be able to be subdivided to conform to one acre
12 zoning, without this permit. What is the effect?
13 Well, speaking only to the effect on this property,
14 the Tartikov property, not talking about any
15 development, we have 37 acres right now out of the
16 hundred which are presently encumbered by DEC and
17 federal wetlands jurisdiction Nothing was taken
18 away. This now adds an additional ten acres which
19 will now have to go to permit, based on reasonable
20 use, before the village board. This is an insidious
21 law. It's arbitrary and capricious. It is not
22 constitutional. And it will not survive court
23 challenge. It will not survive court challenge, not
24 only by Tartikov, but by any other landowner that's
25 affected by this, that wants to subdivide four or

1 five acres.

2 This is not filling a void, respectfully. It
3 is not a health, safety, and welfare stop gap. There
4 is no void created by federal law. From our point of
5 view, representing a property owner, this is
6 targeted to provide another permitting layer, to
7 prevent a use, which will again wind up in court.

8 I just respectfully request that you just
9 consider whether this law is really necessary and
10 doesn't place the village in a bad position, not only
11 with respect to our particular property but with
12 respect to many, many, many other properties in the
13 village. Thank you for listening.

14 MAYOR MARSHALL: Thank you.

15 FROM THE FLOOR: (Name inaudible) 9 Secor Court
16 regarding the wetlands protection. In Mr. Savad's
17 point he says that the wetlands on this property are
18 already under US Army Corps of Engineer
19 jurisdiction. In the immediate area there are
20 already other wetlands which are under the US Army
21 Corps jurisdiction, as well as New York State DEC
22 jurisdiction. Those wetlands which are across the
23 road on the Patrick Farms, were damaged by a
24 developer, and the Army Corps, which had
25 jurisdiction at the time, turned it over to the DEC,

which only had jurisdiction really on one tributary, but because of resource issues told the DEC you should handle the remediation of the damaged wetlands.

After that the DEC turned around to the Town of Ramapo and said, we don't have the resources to handle the remediation that's necessary. You handle it. No fines were ever assessed to that developer, ever, and yet, in lower Rockland County, in 1999, when a DEC protected dam was damaged, the developer was charged three million dollars in fines. Why wasn't it done in Ramapo? applaud this board for going to adopt this amendment and make it part of our local law. It is protecting our drinking water, which we all need. Thank you.

FROM THE FLOOR: Rita Louis, 1 Secor. The fines that are in this law, the three thousand dollars per day for each violation, it says pursuant to Section 71-2303 of the Environmental Conservation Law, is that a federal or local law?

MS. ULMAN: State law authorizes it.

FROM THE FLOOR: So we came up with that three thousand dollars, or is that something that's already on the books?

MS. ULMAN: Something that we came up with.

FROM THE FLOOR: Because I find it to be

1 extremely low. It's such an important issue, the
2 environmental issue, and just as Brett said before
3 me, wetlands are constantly being compromised and
4 nobody ever gets fined. So, I mean, I would rather
5 see that upwards of ten thousand dollars per
6 violation, because the point of a violation is to
7 try and deter people from destroying the wetlands.
8 Three thousand dollars to a well financed developer
9 who comes into the village means nothing. Its like
10 penny change to them. So they would do whatever they
11 wanted.

12 Also in Paragraph D. there is also fines of not
13 less than five hundred, no more than a thousand
14 dollars, for violation of provisions. Those also seem
15 to be extremely minuscule considering the types of
16 violations that could occur.

17 In response to something that Mr. Savad said
18 about rendering the lots non-conforming for decks and
19 pools, in terms of this law, I think that's very
20 consistent in terms of many jurisdictions and
21 municipalities have instituted historical districts,
22 we've instituted steep slope laws. I don't see any
23 problem with rendering lots non-conforming in terms
24 of wetlands, because it's in the best interests of
25 the village, and the environment, and certainly

1 those people who want to put a deck or pool or
2 something else on their house, and they have
3 wetlands, would come before the board, as they
4 always have come before the planning board or before
5 the zoning board. It would be considered on a per
6 case basis_ 1 think his points on that issue are
7 not valid. Thank you.

8 FROM THE FLOOR: Rachel Abenia-Drol.

9 First of all I'd like to say thank you to the
10 board. I know this has been a very difficult
11 evening for the board and I appreciate the fact that
12 you tolerated the comments and allowed the public to
13 stay. For this amendment, I support it. 1 live on
14 a parcel of land that's bordered by what is
15 considered federal wetlands, but is not considered
16 New York State wetlands. And 1 feel it is very
17 important to preserve and protect that property as
18 wetlands, because it supports a whole range of
19 ecosystems, and I don't think that it is more
20 important to develop properties than it is to
21 preserve the rural area here. And I appreciate the
22 board's effort on this amendment.

23 FROM THE FLOOR: One quick question. Andrew
24 Wiley. Who within the village is qualified to make
25 the determinations? And if there is no one who is

qualified to make a determination, who will make the enforcement or interpretations for the village? Is there a mechanism or enabling act that you can do to hire a consultant on a per basis, or how would *you* go about_ doing that? So that's something for you to consider. Thank you.

MAYOR MARSHALL: Our village engineer is qualified. And also there is a mechanism within the code that allows us to have experts brought in.

FROM THE FLOOR: David Lieber, 5 Litman Lane. Firstly I want to thank you again for "allowing us to speak. I didn't catch the woman's name for the conservation society but I strongly believe in what she is trying to do, and applaud what you have done thus far.

And I agree with what you have done, as well as the two or three people before you. However, I'm standing here because I also have land that has wetlands as part of it. Unfortunately what these particular laws, I'm sure it's going, to affect me negatively as well as other people, and I just want to go through a couple of questions which I have spoken to the village code enforcement inspector.

Firstly, like you had in the past, you ironed out the differences between the old and the new. I

understand and you did mention that previous to 1997 this was going to be changed. What are the old? What are the new? That's first. Secondly, why now? We don't have to figure out why this is now. We all know and you don't have to express it.

Thirdly, I bought my residence as a single family residence. I'm certain my builder had to go through certain things of giving land over here and giving land over here in order to get the lots developed the way they are. I purchased it as a regular citizen, as a resident of Pomona. If I ever wanted to put a pool on my property, which is now up until, I don't know if this is going to be passed or not, if I want to put a pool, I wouldn't have to go through what is going to be proposed. If I want to put a shed, if I want to build an extension, if I wanted to do anything outside of what is being proposed, I don't think I am going to have to go through what I have to go through now if this is proposed, and don't get me wrong, I believe in the wetlands, I believe in the ecosystem. It has to be there. It's going to come at a cost to me, it's going to come -- I am not even sure what is going to happen in the event I want to do that.

As a regular resident I feel I'm being

1 victimized by laws which are made specifically for,
2 let's just say, certain types of institutions which
3 I think is the reason for most of this. Okay. If
4 this law is upheld, I think it should be done
5 differently for large parcels, versus single family
6 residences.

7 I just want to quote a couple of comments that
8 were made earlier. The setback of 125 feet which
9 was the requirement for whatever was discussed
10 earlier. Somebody mentioned that's pretty large.
11 You are requesting a setback from the, from the
12 " landscape or the easement, for the conservation
13 easement, which I have both, of 100 feet. To make
14 it almost impossible, if not impossible, to do
15 anything of what I would like to do. Not that
16 have any plans right now. But in the event I wanted
17 to do, it is going to make it impossible.

18 Secondly, another quote, the reduction of the
19 wetlands specific for the net use, was done for
20 educational usage, okay. And finally, if you take a
21 specific lot, most lots are one acre in the village,
22 if not a drop larger, just because of how they were
23 cut. It's going to be almost impossible, if not
24 impossible, for anybody to have to go through, and I
25 understand that people have to go through certain

things to get things done within the village, but
2 what is being proposed, and I went through this just
3 as an individual, I am not a hundred percent certain
4 of all the regularities of what has to be done,
5 think it's extremely hard to do what needs to be
6 done as an individual, with what is now being
7 proposed for the wetlands. Thank you.

8 MAYOR MARSHALL: Doris, do you have any
9 comment? Anyone else?

10 Ladies and gentlemen, we have not gotten a
11 response from County Planning on this proposed law,
12 so it will be necessary for us to continue the
13 public hearing to the next board meeting which is
14 February the 26th.

15 Is there a motion to do that?

16 FROM THE FLOOR: Paul Savad. If the board is
17 going to go on to propose any possible
18 modifications, I'd like to find out how I can get a
19 copy of that before the next meeting. In other
20 words, other than passing what is already on the
21 books, which is on the web site, if the board
22 decides to make modifications I would like to know
23 how I can get that expeditiously. I didn't get the
24 GML on the dormitory law until tonight. I'd like to
25 get the GML so I can review it and I'd also like to

know any possible amendments.

2 MAYOR MARSHALL: Is it appropriate 'for us, if
3 we consider a change after the workshop meeting,
4 when we discuss this, to transmit it for the sake
5 of -- what is the procedure?

6 MS. ULMAN: Generally the amendments that are
7 made by the board are public record, and anybody
8 could look at them, or get copies of them if they
9 are filed.

10 FROM THE FLOOR: That's fine. If they are made
11 for public record. I just don't know.

12 MS. ULMAN: We don't know either.

13 MAYOR MARSHALL: Our workshop meeting is an
14 official Village Board meeting, where there are
15 minutes. It's not a workshop in a classic sense.

16 MS. ULMAN: One of the reasons we don't make
17 them public before the meeting is because it becomes
18 very confusing as to which one you're considering as
19 a public hearing, so that's why we continue to use
20 the original for the public hearing, and any
21 amendments are discussed at the public hearing by
22 the board.

23 FROM THE FLOOR: Thank you.

24 MAYOR MARSHALL: We'll do what we can.

25 The GML you were supposed to get. I don't know

why you didn't get it.

FROM THE FLOOR: I asked for it at the last meeting. I was told I would get it.

MAYOR MARSHALL: I was under the impression that it was sent to you the day after the meeting.

FROM THE FLOOR: It wasn't.

MAYOR MARSHALL: Okay. You have it now.

When we get it, however we can cooperate, we'll cooperate.

The workshop meeting is February 12th. There is nothing that says that that will be the final discussion. If we get the GML from the County that will be some basis for us. We're starting more from the grass roots, and, Betty, if there are any substantive changes, I'll be happy for your input as well on this thing. We want this to be a good law, something that fits.

I have a question for our attorney. Do we have mitigation standards? How do we handle mitigation standards in the law?

MS. ULMAN: I thought we addressed that. I think they are in the issues that are considered by the Board of Trustees.

FROM THE FLOOR: They are not defined.

MAYOR MARSHALL: We'll take a look at it.

1 In any case, is there a motion to continue the
2 public hearing relating to the change of local law
3 with relation to wetlands?

4 (Motion made and seconded)

5 MAYOR MARSHALL: Any further discussion on the
6 motion? All in favor? Opposed.

7 The public hearing is continued to the February
8 26th village board meeting.

9 CERTIFIED BY ME TO BE A true and accurate
10 transcript of the within proceedings,

11
12
13 NO

14 Neil Bostock, Official Reporter

15
16
17 Dated: January 24, 2007.

A.				
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9:8 54:7 81:20 91:9 Alma 1:13 75:21 almost 11:22 26:11 35:1 39:16 71:18 93:14,23 already 31:5,13 33:11 33:19 79:10 87:18,20 88:23 94:20 although 76:13 81:1 always 71:12,13 90:4 ambiguity 33:23 ambiguous 33:24 • amended 4:19 69:15 79:19 81:7</p>	<p>amending 8:10 77:23 79:16 80:24 . amendment 1:4,5 4:13 4:16 8:15 10:18 16:19 28:12 31:22 67:20 70:12 78:1 80:16 83:2 84:10 88:12 90:13,22 amendments 6:12 10:13 15:17 16:1 25:18,25 26:4 28:15 36:20 37:6,7 58:12,14 66:13 72:2,3 76:2 77:11,14 95:1,6,21 America 56:18 amount 2:10 7:8 15:1 22:6 30:7 31:19 52:18 ample 13:19 20:9 55:7 Andrew 9:20 90:23 and/or 41:21 72:16 84:5 angry 47:18 another 27:14 56:20 67:10 87:6 93:18 answer 6:1 12:7 39:5 45:10 answered 5:22 38:23 anybody 21:14 74:25 93:24 95:7 anybody's 86:1 anyone 3:25 4:9 7:12 11:7 14:5 15:22 16:34,18 17:23 25:11 37:19,24 54:13 56:24 69:19 75:10 94:9 anything 16:14 39:10 24:7 25:24 32:3 51:16 54:4 69:23,25 71:5 73:16 77:7 82:9 92:17 93:15 anywhere 11:2 35:12 apartment 38:15 Apartments 38:16 apologize 47:19 appeared 47:23 appears 34:3 applaud 88:12 91:14 applicability 76:4 applicant 36:3 64:17 64:17 application 76:4 79:6 79:14 83:17 applied 45:9 46:2 51:7 68:21 85:20 applies 34:11 77:1 83:10,11,16 apply 55:11 62:4 76:25 85:12 appreciate 19:24 56:16 90:11,21 appreciates 69:17 approach 3:8 appropriate 10:2 95:2 approved 62:25 63:1 76:10 arbitrarily 85:16 arbitrary 33:16 85:21 86:23 architects 7:4</p>	<p>architectural 7:4,18 area 10:25 12:9 18:8 29:25 30:1,2,8 35:12 37:10 38:7,9,11,12,14 40:5,15 45:11 52:15 53:7 54:24 62:11,12 66:14,15,17,20,20,22 67:5 80:7,8 87:19 90:21 areas 18:7 31:21 40:21 51:7 84:13,19 arise 3:21 34:1 AII LUPA 10:1 49:24 Army 85:2,7,10 87:18 87:20,24 around 23:8 25:23 42:20 57:17 66:17 67:25 71:13 88:4 arrived 17:2 artificially 84:21 aside 2:25 asked 20:17 23:5,13 42:12 96:2 asking 9:16 26:2,3,16 26:21 38:21 40:15 73:19 aspects 18:8,21 84:2 assessed 88:8 assessment 76:5,11 association 82:16,20 assume 6:24 7:15 59:4 59:6 assumed 6:25 assuming 73:21 assumption 84:24 attack 3:17 attempt 7:21 48:4 attempted 33:21 attend 4:2 9:8 attending 72:11 attention 8:8 83:15,21 attic 66:9 attorney 1:14 5:8,11 11:16 12:3 43:10,13 58:13,22 83:6 85:9 96:18 audience 49:20 authority 65:7 authorizes 88:20 Avenue 21:3,5 average 69:5 avoid 2:6 22:2 away 33:22 53:20 81:10 86:18</p> <p>B</p> <p>B 1:9 85:15 back 4:3 42:10 43:23 45:19 51:4,9,11,13 56:8 62:14,15 63:4,2 64:2,7,8 74:16 77:13 77:15,15,17 Background 65:22 backing 16:4 backs 61:14 67:16 bad 87:10 badly 47:17 85:20 banging 20:15 BANKS 1:12 76:23</p>	<p>base 13:5 based 11:19,2113:24, 30:7 44:19 47:25 49:17 50:2462:18 71:1 77:885:23 86:19 basement 59:21 60:5 60:10,10,17,20,22 basements 59:22 basic 42:25 Basically 31:14 32:7 basis 4:19 33:19 34:25 47:25 79:1290:6 91:4 96:13 bat 58:1 battle 18:19 Beaverdani 11:14 13ecchnelli35:8 become 2:23 86:8 becomes 18:19 84:22 95:17 bedroom 68:16 before 2:53:2410:16 24:10,12 25:24 26:21 27:13,23 29:22 30:13 37:13,1643:253:6 62:23 70:2178:11,11 82:9,21 83:18 84:8,9 86:5,20 89:2 90:3,4,4 91:17 94:1995:17 begin 2:5 4:11 beginning 4:1422:19 36:19 47:1258:9,16 78:16,19 begins 18:5 behalf 34:17 behind 17:423:13 behooves 35:3 being 3:23 10:14,24 20:21 26:7,10,24 27:11 42:1,3 45:8 59:1 61:24 63:18 66:8 73:13,17,23 81:11 82:8 89:3 92:17,25 94:2,6 believe 5:14,17 6:3,9,15 8:16 15:1616:1 33:13 36:137:540:1 42:13 48:1649:24 59:16,20,22 60:18 67:4 73:6 74:5 76:1,9 76:16,19 80:8 81:5 83:8 84:18 91:13 92:20,21 believes 80:4 belong 18:24 beneficial 79:8 benefit 59:8 benefits 82:25 best 48:6 57:22 59:3,10 89:24 Beth 12:6 better 44:1847:10 Betty 82:32,13 96:14 between 7:1918:19 73:10 91:25 beyond 17:18 big 12:18 26:11 54:24 Birch 51:20 68:14 black 46:4</p>

Bleiwas 11:13 bless 69:9 blights 13:6 block 4:4 board 1:1,10 2:8,20 3:8 3:12 7:20 22:4,8 27:24 28:24 29:22 42:14,15,18,19 43:14 46:8 48:4,17 49:21 50:13,15 56:6,6,10 59:2 62:23 63:23 68:4,11,20 75:19 80:4 80:7 82:18 83:18,19 84:1 86:6,6,9,20 88:12 90:3,4,5,10,11 94:13,16,21 95:7,14 95:22 96:23 97:8 boards 35:16 board's 90:22 Bonafice 12:6 book 49:15 books 4:23 34:13 44:7 44:16,21 45:13 53:8 53:10 70:11 88:23 94:21 bordered 63:2 90:14 born 39:15 82:21 Bostock 97:14 both 6:12 23:2 28:6 67:1 82:17 93:13 bottom 81:19 bought 92:6 bound 61:13 62:13 71:24 bounded 61:19 boy 59:6 breaks 47:4 Brett 49:13 89:2 Brett's 78:4 Bridget 38:4 brief 3:13,20 Briem 14:10 58:4 bring 13:3 14:23 33:18 69:24 83:14 bringing 33:10 39:11 brought 8:7 15:8,10 26:10 33:21 41:1 62:5 91:9 buffer 67:12,14,17 86:3 buffers 85:11 build 7:25 8:8 30:9 31:12,21 36:4 46:14 54:20,23 86:4 92:16 builder 92:7 building 1:14 6:25 7:2 7:15 12:14,19 28:17 29:20 32:18 33:5 41:2,17,20 45:3,4 46:14 50:5 51:6,14,14 52:4,11,11,20,22 53:15,18,20 54:3,8,19 54:19,20 60:8,10 73:12 76:18,23 77:3 buildings 6:23 11:23,25 12:18 28:20 32:16 51:5,15 52:1,3 53:11 62:12 63:4 77:24 79:18 80:6 builds 55:8 built 30:24 39:18 52:25	53:1,2,3,11 54:8 68:25 73:7 84:20 bulbs 14:18 burden 19:1,3,11 business 2:10 3:18 8:25 20:2 22:6 buy 66:16 67:1 C C 50:4 81:16 call 30:8 60:21 72:20 72:23 called 3:7 29:25 60:19 84:20 calls 10:25 13:20 72:25 calm 9:7 21:23 came 47:15 51:20 88:21,24 camp 2:12 8:5 22:9 55:5 campus 8:1,9 candy 13:3 capacity 5:11 capricious 85:21 86:21 care 23:12 carefully 11:18,20 cares 65:3 Carlos 67:18 carried 75:16 80:20 case 4:22 11:19 34:1,20 34:24 35:1,2 36:2 43:11,12,16 44:17,19 50:1 54:22 79:2,12,12 90:6 97:1 cases 16:15 catch 91:12 category 81:22 cathedral 23:13 catholic 46:4 caused 70:22 causes 43:13 ceilings 73:6 cellar 60:23 61:2 certain 30:4,7 59:20 92:7,8 93:2,25 94:3 certainly 47:19 89:25 CERTIFIED 97:9 challenge 74:13 76:8 86:23,23 challenged 43:3 chance 11:12 19:25 21:25 65:2 Chances 66:3 change 10:9,10 12:23 12:24,25 13:7 19:13 19:18 20:3 23:11 24:21 25:10,11,12 26:3,13 27:24 28:7 29:2,11 30:18 32:9 35:24 42:24 43:17 44:9 45:1 50:25 52:9 72:3 73:19 74:3 85:2 89:10 95:3 97:2 changed 2:17 22:13 28:16,19 44:5,5,5 50:15 51:25 55:17 70:11 92:2 changes 4:23 5:17 8:10 14:1,1 18:25 24:24	25:1,2,3 26:6,9 27:16 30:15 32:4 33:4,10,17 33:17 34:6 35:1 38:5 38:9 39:19 42:22 43:24 53:9 57:17 77:11 96:15 changing 18:8,17 19:2 46:15 55:22 56:1 Chapter 82:24 character 10:9 charged 88:10 charter 48:10 checked 66:21,21 children 6:12 14:20 23:7 40:12 64:6 70:9 choice 48:24 Christian 46:4 Christina 31:3 church 9:21 Circle 67:19 circumvent 7:21 citizen 92:31 City 1:24 clarified 59:15 68:19 clarify 16:16 32:23 33:22 40:24 classic 95:15 classifying 81:21 clear 9:4,9,9 28:8 31:24 33:25 34:19 36:12 44:19 76:14 77:10 83:9 clearer 43:1 clearly 66:22 77:16 clerk 1:15 2:4 3:6 5:1 cloak 19:9,10 close 25:24 75:11 80:19 closed 16:17 80:21 Club 31:4 Coal 61:24 65:9 code 8:10 33:5 66:18,21 67:13 69:14 80:24 81:13 91:9,23 codes 49:1,9,15 52:15 52:16 55:17,23 56:2 66:14,14 coincides 52:10 collected 4:1 college 12:8 14:24 15:2 15:6 23:2 38:13,18 39:18 54:12 69:24,25 70:7 75:7 colleges 28:6 come 4:21 9:17,25 10:1 10:3,17 11:3,9 14:8 15:21 16:23 18:16 19:13,19 23:8 38:2 43:5,7,9 44:17 49:12 58:6 62:7 64:21 65:4 65:11,12 66:4 70:23 83:21 90:3,4 92:22,23 comes 13:18 34:24 35:6 35:15 38:18 61:21 62:3,23 65:9 70:25 89:9 comfortable 14:21 coming 86:5 commend 82:23 comment 3:1,4 71:2,3 75:22 76:1 94:9	comments 3:10,12 8:24 9:2,5 15:19 16:16 20:6,15,22 25:6 27:9 27:12 48:2,15 75:20 75:25 90:12 93:7 common 38:7,9,11,12 38:14 40:4,11,15 43:6 45:11 communal 28:17 40:10 41:8,16,19 76:20 communities 28:4 30:4 community 13:8 17:8 17:16,17,21 48:11,12 48:14,18,18,20 49:5,9 56:19 59:4,11 75:4,8 79:1 83:1 comparable 59:18 compared 62:16 complaining 36:20 completed 3:19 41:12 completely 5:19 complex 44:2 compliance 36:3 complies 35:22 36:2 comply 35:17 66:18 comport 29:4 comprise 46:10 compromised 89:3 concept 18:17,25 74:13 concern 26:1 63:8 65:4 70:5 77:10 concerned 30:21 36:22 37:1 concerning 2:11 4:13 5:3 8:11 22:8 68:14 concerns 30:5 34:5 37:9 conduct 2:19 3:22 20:18 conducted 9:6 conform 33:5 86:11 conforms 36:15 confusing 55:18 95:18 connected 54:25 85:4 connection 5:23 31:25 conservation 67:15 82:2,16,20 88:18 91:13 93:12 conserve 82:22 consider 13:25 42:17 43:17 44:11 46:23 50:11 51:12 52:9 54:2,3 67:8 69:12 70:6 87:9 91:6 95:3 consideration 29:23 31:15 69:13 75:18 81:4,6 82:6 considerations 29:21 considered 32:12 33:17 41:23 51:4 61:24 62:24 64:15 65:14 71:3 72:18 73:17 90:5,15,15 96:22 considering 24:22,23 25:2 27:17,19 28:24 30:19 44:10 50:15 52:13,19,21 70:24 89:15 95:18 considers 62:1 consistency 33:6	consistent 29:18 ³³ :11 33:18 66:5,674:1 76:14 77:5 89:20 constantly 34:12 89:3 constitutes 46:9 constitutional 86:22 construct 30:1 construction 69:10 84:8 consultant 91:4 contain 39:1 41:10 contains 41:4 content 3:14 continuation 50:19 continue 18,23,26,21 5 0 : 2 3 5 4 95:19 97:1 continued 4:12 97:7 contrary 7:13 80:1 85:18 control 49:3 84:22 controlled 72:9 controls 30:24 conversations 42:2 47:6 cooking 6:8 41:8,10 cool 57:21 Cooper 5:4 11:5 cooperate 96:8,9 copies 95:8 copy 42:13 50:6 94:19 corners 69:5 Corps 81:8 85:7,10 87:18,21,24 Corps's 85:2 correct 38:8 60:11 73:5 74:23 81:13 correction 78:3 correctly 10:4 corridor 63:13,14 cost 92:22 cottages 84:20 cotton 13:3 counsel 21:20 country 31:446:6,20 county 5:25 11:2518:9 39:16 42:12,12,34 79:24 82:19 88:9 94:11 96:12 couple 2:5 59:15 75:25 91:22 93:7 court 4:21 25:1534:1 34:23 38:4 44:20 45:2 49:13,2265:21 73:3 75:3 76:6 85:18 86:22,23 87:7,15 courteous 65:24 courtesy 15:21,23 courts 45:6 46:15 cover 54:24 coverage 77:18 covered 82:10 crazy 23:6 57:7 created 16:233:9 84:21 84:25 87:4 creates 30:13 32:14 85:14 creating 30:36 31:23 79:7 85:11 credits 29:25
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

criteria 76:8 85:22 curb 56:8 curious*69:21 current 27:25 28:23 37:22 43:25 63:20 71:17 85:2,6 currently 27:25 80:2 cut 77:14 93:23	depending 42:16 60:23 depends 54:18 60:12 DEPUTY 1:12 described 41:22 72:17 description 66:15 designated 6:11 designed 5:18 49:3 82:5 83:23,24 desire 54:13 desired 51:22 desires 50:16 destroy 15:10 49:8,9 destroyed 49:4,5 destroying 89:7 deter 89:7 determination 78:7 91:1 determinations 90:25 determine 64:4 determined 32:14 64:3 64:16 68:17 determines 66:20 determining 30:2 62:25 Deutschman 25:14 develop 48:22 90:20 developed 44:12 92:10 developer 81:23 87:24 88:8,10 89:8 development 2:12,13 22:8,10 49:3 61:21,23 65:6 86:15 develops 43:12 device 84:22 dictionary 11:17 difference 29:6 62:14 differences 91:25 different 21:15 60:22 61:34,15 62:17 76:15 76:16 differently 61:12 93:5 difficult 33:24 35:11,13 43:21 64:4 90:10 Diliberto 38:3 dining 6:8 28:17 38:11 38:12 40:10,11,21 41:8,10,16,19 76:20 77:14 directed 8:16 30:20,22 55:5 84:17 direction 34:22 discriminating 11:18 discriminatory 5:18 11:17 83:25 discuss 2:15 10:1,2,4 20:19 22:11 25:9,10 25:16,17 26:17 51:2 69:14 95:4 discussed 4:24 10:24 42:4 47:44 15:51 93:9 95:21 discussing 34:6 53:5,5 53:11 55:11 discussion 2:11 15:3 22:7 24:17 45:20 75:19 80:13 96:12 97:5 discussions 47:13 disgrace 14:11,12 disorder 9:10 districts 89:21	disturbance 84:6,6 disturbed 84:4,12,19 Doctor 61:6 doing 6:10 28:8 29:3 31:13 45:22 46:17,17 49:21 55:24 56:1 59:9,18 63:9 91:5 dollars 88:11,16,22 89:5,8,14 done 29:23 55:18 62:1 65:10 88:11 91:14,16 93:4,19 94:1,4,6 doorway 4:2,4 Doris 1:14 27:15 29:14 34:20 40:7 71:15 81:18 82:8 94:8 dorm 7:5 16:19 69:25 dormitories 4:14 5:3,19 6:18 8:2,11 16:20 24:16,18,25 25:17,21 29:17 31:5,8,12 32:11 36:5 38:5,10 40:10,22 41:23,24 45:12 54:7 70:20 72:18,19,22 75:12 76:24 77:1 79:2 80:17 D ORMITOMES (C... 1:4 dormitory 4:22 6:3,6 10:7,8 18:10 27:21,25 28:3,8,17 31:14 32:15 32:19 36:7 38:13,14 38:15,25 39:2,3 40:9 40:19,23 41:1,9,14,16 41:18,20 46:10 50:2,4 50:5 51:5,13,14 52:25 53:1,2,8 54:23,25 56:8 61:1 66:4 69:22 70:10,34 71:19 72:13 72:15 73:14 76:15,21 77:24 78:23 79:11,18 80:4,5 94:24 dorms 6:4,21,22 7:3,5,8 16:11 dormitory 50:4 78:5 doubt 59:9 60:14 down 4:8,21 21:23 23:1 69:7 drainage 62:2 82:1 draw 36:9,10 drinking 88:14 Drive 22:18 51:20 61:7 68:14 drop 93:22 due 16:6 37:8 76:17 83:12 duration 3:15 during 3:4,13 4:24 16:14 62:6 63:22 64:3 79:13 81:5 Durkin 15:14 dwelling 28:2 41:31,21 61:1 72:17	earlier 34:19 43:11 93:8,10 easement 67:15 93:12 93:13 easements 30:12 31:18 easier 33:25 35:20 37:2 73:20 easily 55:25 easy 22:22 39:20,21 ecosystem 92:21 ecosystems 90:19 Ed 9:24 education 54:10,13 74:14,17 educational 30:23 31:11,12,20 36:6 41:2 51:6,15 66:3 93:20 effect 31:18 86:12,13 effectively 6:4,18,21 7:12 8:16,21 efficient 18:2 effort 90:22 efforts 34:16 84:16 eight 69:2 70:21 73:7,8 either 54:14 67:2 95:12 El 12:6 Eloise 10:21,22 else's 19:9 em 69:9 Emerald 22:17 emeritus 82:19 emotional 56:10,20 57:3,7 emphasize 82:4 enabling 91:3 enacted 79:20 encourage 14:4 65:3 encumbered 86:16 end 5:5 37:23 50:18 53:19 enforce 34:14 39:9,10 39:25 enforcement 91:2,23 engineer 87:18 91:7 Engineers 81:9 85:7,10 enjoy 14:22 17:9 enormous 82:25 enough 2:24 44:19 66:22 67:2 81:9 ensure 16:8 43:2 enter 3:9 entertain 3:20 entire 15:5 18:8,17,25 30:22 36:15 63:12 82:5 entirely 10:9,10 81:12 environment 14:20 23:12 31:17 78:21 82:2 89:25 environmental 30:4 31:16 37:9 56:21 61:25 63:25 64:3,15 79:9 84:2,11,23 85:25 88:18 89:2 environmentally 84:15 envision 65:12 equally 46:3 equipment 11:23 equitable 13:11 48:3,21 essence 56:1	establish 63:15 64:11 64:12 established 33:12 51:21 establishment 49:25 evaluating 4:17 even 8:12,19 17:15,24 25:25 36:24 92:23 evening 9:25 29:22 42:21 43:18 63:38 77:9 90:11 event 92:24 93:16 ever 15:12 23:2 43:18 88:7,8 89:49 92:11 every 11:3 128:18 29:20 35:141:14,15 41:15 44:24 45:3,4,12 45:14 47:55 92:6 23 62:7 65:181:23,23 82:6 everybody 15:11 21:23 29:13 34:5 35:18 36:23 46:74 71:14,18 57:3,21 74:11 everyone 5:10 15:15 16:8 19:24 21:16 24:7 44:22 49:20 53:4 70:23 74:3 everything 12:25 15:11 16:5 19:24 23:17 48:3,4 57:6,14 everytime 24:4 everywhere 77:6 evolve 18:22 44:9 evolving 43:16 exactly 72:24 example 6:24 16:15 30:5 46:9 61:23 84:8 86:1 exceed 28:20 except 41:11 exception 34:4 excited 41:15 exclude 5:19,20 7:22 excluded 6:7 28:19 excludes 6:21 8:17 excluding 8:18 exclusively 3:14 excuse 23:22 29:3 41:14 50:22 exist 25:9 30:5 34:10 36:22 85:3 existed 33:23 existent 31:5 existing 14:2 24:24 31:23 33:3,5 34:20 35:17 40:24 54:4 55:21 68:18,23 69:7 71:1,4 73:13 75:37 79:1 86:7 exists 19:21 27:17,25 33:19 40:24 41:25 42:25 expand 8:5 expansion 86:8 expect 44:8 expedite 24:23 expeditiously 94:23 expenses 19:8
----------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

hear 9:14 22:19 32:9 33:16 45:20 56:11,13 56:1664:24 69:23 heard 36:19 73:19 75:23 hearing 3:13,15 4:13 4:15,25 5:3 9:22 10:17 13:12 16:14,17 19:18 20:23 37:17,23 42:7 50:13,17,19,24 75:11 77:19,25 79:20 80:19,21 82:11 94:13 95:19,20,21 97:2,7 hearings 1:4 2:9,16,18 3:2 6:13 13:21 22:5 22:12 44:16 48:16 61:22 Hedges 82:13 height 28:19,21 29:15 29:16,19 37:10 50:4 52:25 53:7 59:17 60:13 65:25 68:14,21 69:10 73:5,14 74:2 76:13,17,23 77:5 held 24:15 help 39:23 43:23 47:14 55:12 helped 58:8 helps 79:4 her 21:8,12 23:24,25 HERBERT 1:11 hey 44:18 48:8 56:12 high 2:15 22:12 54:25 63:2 68:7 higher 54:9,13 60:6 69:2 Hillicrest 11:22 Hillside 21:3 him 26:25 27:5 himself 27:1,6 Hindu 67:13 hire 91:4 hired 27:7 historical 89:21 historically 8:2 hold 9:13,17 hollow 35:5 61:24 65:9 home 59:11 homeowner 66:16,23 homes 59:22 60:2,4,6 66:2 honest 57:22 honesty 17:5 hope 50:18 hour 61:9,10,13 62:13 62:16,16 63:13,17 64:10 house 7:6 12:19 23:13 50:20 52:7,8 54:21 66:25 67:1,11 90:2 housekeeping 6:8 41:11,12 houses 29:19 76:15,16 77:2 housing 5:20 6:7,11,19 8:12 10:24 11:2 21:2 21:4 56:9 74:15 Eloward 11:13 hundred 5:15 7:2,7,16 8:3 25:24 32:17	39:12 86:3,16 89:13 94:3 hypothetical 61:7,18 IAN 1:12 identify 27:1,6 image 65:19 immediate 87:19 impact 56:21 61:25 64:15 78:21 79:9 impacts 31:16 79:5,10 implementation 76:11 important 27:20 33:16 33:20 34:2,6 51:24 83:22 89:1 90:17,20 importantly 53:2 impossible 6:20 64:5 93:14,14,17,23,24 impression 96:4 inadequate 67:14 inaudible 27:12 42:2 47:6 57:2 68:13 69:20 87:15 incentive 34:7 incidentally 11:24 include 2:11 15:23 22:7 included 29:24 includes 2:9 22:5 incorrect 84:25 increase 66:17 76:19 78:23,25 increased 13:5 80:9 increasing 59:17 60:2 individual 79:6,14 94:3 94:6 individualized 76:11 influenced 4:20 34:24 35:2 information 4:18 13:15 13:16 47:24 57:19 informed 50:8 infrastructure 14:25 15:5 17:19 inherent 37:8 initial 78:19 81:5 initially 13:15 32:8 injury 61:18 innocuous 28:15 29:2 input 42:8,10,11 50:25 77:9 96:15 insidious 86:20 inspector 1:14 12:15 91:23 instead 39:12 47:13 66:25 77:18 instituted 89:21,22 institution 10:6,15 12:10 41:3 institutions 62:11 93:2 intend 6:17 intent 8:20 intention 47:20 interaction 3:1 interesting 69:11 70:23 interests 21:21,22 47:10 48:6 57:22 58:11 89:24 interpretations 91:2	interpreted 55:25 interrupt 14:15 60:24 interrupting 23:22 inundated 17:18 investigated 8:7 involve 76:5 involved 2:21 13:20 57:4,14 62:17 involvement 3:3 ironed 91:24 isolated 85:3 issue 9:22 12:16 13:17 20:5 42:8 57:3 63:18 68:14 73:4 74:19 89:1,2 90:6 issued 79:24 issues 2:21 34:24 59:4 61:15 62:2,5,15,18 63:15,24,25 64:25,25 65:5,10 88:2 96:22 item 4:12 60:25 80:23 items 2:17 55:4 80:22 J Jade 25:15 Jaffe 16:24 January 1:7 97:17 Jeff 56:2 jeopardy 49:23 72:8 Jewish 46:4 Joe 75:3 Joel 56:20 Joseph 27:7 35:8 Josephine 51:19 journey 18:5,23 judge 73:3 jumping 58:3 jurisdiction 63:15 85:2 85:6 86:17 87:19,21 87:22,25 88:1 jurisdictions 89:20 just 4:6 6:2,23 8:2,13 9:12,16 14:3,17 15:17 15:20 37:15 19:10,17 21:24 22:18 23:10,15 29:5,8,17 33:1634:20 34:21 35:9 36:8 37:2 38:6,20 39:5,8,10 44:9 47:9 48:8 51:9 53:9 57:21 58:2 65:17 66:1 67:16 68:8 69:20 73:4 74:12,16 76:1,5 87:8 87:8 89:2 91:21 93:2 93:7,22 94:2 95:11 justice 19:14 K keep 3:12 17:8 18:22 30:19 66:10 77:19 keeping 17:7 Keller 75:3 kept 17:21 51:23 kids 39:22 kind 11:2 26:20,20 30:1 68:19 70:23 Kiryas 56:20 kitchen. 38:8 45:11 kitchens 28:18 45:9	knew 58:5,6 know 12:7 15:18 18:20 18:24 19:16,22,23 24:2,10 26:4,11 29:6 29:7,8 36:9 39:21 44:23 45:15 47:2,15 48:8 49:10 50:6 51:8 53:17 56:12,14,17,18 56:24 57:3,6 58:2,7 58:10,17 66:23 67:13 70:22 72:13 82:25 90:10 92:5,13 94:22 95:1,11,12,25 knowing 64:22 knows 5:10 L Ladentown 82:13 ladies 4:1 8:23 13:10 19:36 25:8 46:22 56:23 58:19 64:22 65:23 75:19 94:10 LAMER 1:13 31:9 36:18 37:5 62:20 ' 68:6 70:10 75:14,25 78:6 80:12 land 32:4 76:12 90:14 91:18 92:8,9 landowner 86:24 landscape 13:7 93:12 Lane 16:25 31:4 91:10 language 28:11 71:18 large 10:14 48:11,12 . 54:21 64:8 81:12 93:5,10 largely 35:2 larger 93:22 largest 5:16 11:25 83:7 83:8 Larry 32:2 last 4:15,25 5:10 27:14 41:1 50:19,21,22 72:12,14 74:25 75:2 96:2 later 42:20 43:17 45:20 laughed 23:6,24,25 laundry 41:8 law 1:4,5 4:13,15,22,22 5:14,24 6:3,15,17 7:13 8:22 10:18,25 11:16 12:10,11,16,21 14:2,4 16:7,19 18:18 18:19 19:18 20:3 24:22,24 25:8,10,12 27:16,17 28:9,15,23 29:5,6,11,17 30:11,13 30:18,24 31:8,10,10 31:14,23,23 32:11,14 33:3,13,23,24,25 34:34,21,24 35:2,4,11 35:23,24 36:1,2,4,15 39:25 40:24 41:25 42:6,10,16,25 43:11 43:14,16,18,23 44:1,3 44:6,6,7,9,11,14,15 44:17,18,19,24,25,25 46:15,23,24,25 47:4,5 47:5 48:23 49:24 50:2,12,23,24 52:8,24	53:6 54:5,22,22,22 55:1,3,2158:12 59:12 60:25 61:3 62:20 63:20 67:1069:13,22 70:1,1,10,1471:1,4,6 71:8,17,19,21 72:2,4 72:7,14,15,19,24 73:13 74:14,18,20,22 75:17,20 76:3,6,9,24 76:25 77:5,23 79:2,4 79:8,16,16,17,21,23 80:3,17,24 81:3,6,8 81:11,1282:583:9,14 84:25 85:20 86:21 87:4,9 88:13,16,18,19 88:20 89:1993:4 9401,2496:16,20 97:2 laws 4:17,187:22 8:21 10:12,1326:4,5,6,10 26:22 29:1831:16 33:18 34:12,21,23,25 35:1,14,17 44:10,21 46:2,2147:1348:5,7 48:8,9 49:2,17 33:20 84:11 85:5,19 89:22 91:20 93:1 lawyer 36:12 layer 85:15 87:6 leadway 52:18 learned 7:3 least 51:1 74:14 leave 20:18 Ladentown 23:5 43:6 left 21:5 legal 16:4 legally 33:13 34:13 74:5 legislation 4:2079:11 length 4:24 LESLIE 1:15 less 35:13 73:15 89:13 let 7:14 14:3,15,16 15:12 21:8,12,17 40:5 41:18 47:2 52:23 58:19 60:24 72:12 74:10 80:16 81:2 85:25 letter 79:24 80:2 letting 21:14 let's 21:17 29:1071:15 72:10 93:2 level 43:25 73:7 Leventhal 9:24 Lewis 65:21 liable 49:19,19,20 Lieber 91:10 life 14:19,23 15:1217:9 19:3 lifestyle 19:6,9 26:16 like 3:4,17 5:13 6:2 11:8,20 14:715:17 16:22 21:5 22:15 23:11,14,2525:726:8 26:34 27:5 29:9 31:16 34:2135:12,19 36:11 37:2,2344:9 45:6 53:17 56:13,16 57:6,7,13,15,20 5- 61:19 62:8,8 65:8,
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

67:15 68:19 69:7 70:6 72:24 73:20 77:20 78:2 82:8 83:14 85:3 89:9 90:9 91:24 93:15 94:18,22 94:24,25 likely 79:12 limit 8:24 32:15 46:13 46:12,12 61:9,11,13 limitation 6:22 28:20 28:21 29:19 32:24 52:7,24 limitations 53:10 58:21 59:12 limited 3:11,18 45:4 77:3 limiting 63:9 79:7 limits 6:18 53:7 Linden 75:3 line 43:15 44:21,24 50:3 54:22 58:3 66:2 72:12,14 81:19 lines 15:4 listening 56:14 69:21 87:13 Litman 10:21,22 91:10 little 24:20 66:19 71:9 live 8:1 10:22 15:9 16:9 16:10,25 18:14 20:25 21:21 23:1 25:14,22 31:3 36:24,25 40:3 44:3 68:12 69:1,24 90:13 lived 8:9 17:1,13,14 19:12 22:25 75:8 living 7:12 10:2 38:16 38:20 39:15,18 local 1:4,5 4:13 10:18 16:19 19:18 20:3 24:22 25:8,10,12 27:16 43:14,18,23 44:18 53:6 60:25 75:20 77:23 79:4,8,16 79:16,21 80:16,24 81:3,6,11 88:13,19 97:2 located 2:12 22:9 41:3 86:1 logging 84:8 logistically 15:1 long 3:17 47:21 81:24 82:21 look 12:20 13:3,4,5,6 24:20 25:23 26:19 43:14 44:18 45:19 56:12 61:11 68:24 72:23 95:8 96:25 looked 67:6,6 looking 34:12 61:15 62:11,11 looks 21:4 loophole 46:19 loopholes 16:6 71:12 lose 69:9 lot 6:23 8:25 27:15,22 28:13 29:25 30:1,2,8 32:17 41:3 47:22 52:18 53:8 57:24 66:12,13,13,15,17,20 66:20,22 67:5 73:18	80:7,8 93:21 lots 13:21,21 21:15 57:4 64:20 66:16 67:1 80:6 86:7,10 89:18,23 92:9 93:21 Louis 88:15 lounge 41:8 love 13:2 23:7 lovely 51:23 low 89:1 lower 28:6 88:8 • luxury 59:1 Da • M3:19 machine 13:3 mad 4:6 made 26:18 27:15 33:18 74:6,7 75:13 93:1,8 95:7,10 97:4 Main 1:23 maintain 17:20 20:20 48:5,10 major 26:1 61:8,22 majority 85:5 make 6:20 11:10 12:21 12:23 14:22 28:8 31:24 33:6 34:12 35:11,19 36:11 37:2,4 39:7,17,23 43:1 44:17 45:15 57:18 59:18 62:14 63:10 66:7 68:8 69:11 72:3 74:1 74:17 76:8 77:20,22 83:9 88:13 90:24 91:1,1 93:13,17 94:22 95:16 makes 29:17 36:10 making 19:5 33:4 39:20 47:11 55:25 73:20 management 65:7 84:9 manner 48:21 83:25 84:1 many 2:21 12:15,17 14:13 19:17 24:6 37:17 54:21 58:16 83:11,11 84:20 86:7 87:12,12,12 89:20 mapping 81:23 March 85:9 Marlena 19:17 20:24 married 6:11 74:15 Marshall 1:11 2:2 4:8 5:7 8:23 9:3,6,14,19 9:23 10:16 11:4,7 13:10 14:5,8,15,17 15:20 16:13,23 17:5 18:1 19:1620:7;16 21:7,9,25 23:19,22 24:3,20 27:4,13 29:3 29:14 30:18 31:6 32:25 34:18 37:15 38:22 40:7,19,22 42:3 43:5,9 45:11,19,23 46:22 47:7,19 49:2,7 49:10 50:10,17,22 51:11,16,18 52:2,7,19 52:23 53:21,25 54:2,7	54:11,16 55:15,18,24 56:23 58:3,19 60:24 63:8 64:12 65:16 67:8,24 68:10 69:11 69:19 70:17 71:7,10 71:15,24 72:12,25 73:13,21 74:6,10,21 74:24 75:10,15,24 77:20 78:2 80:10,13 80:21,23 81:17 82:11 82:15,18 83:4 87:14 91:7 94:8 95:2,13,24 96:4,7,25 97:5 Martin 16:24 43:6 Marvin 59:14 matter 13:2 15:1,3 26:9 72:23 maximum 7:8 29:16 50:4 73:14 may 3:21 5:17 34:11 36:19,19 37:5 41:9,12 55:13 59:7,8 63:3,9 69:21 82:18 maybe 5:22 21:11 25:23 38:15 45:23 66:7 67:7 71:21 mayor 1:11,12 2:2 4:8 5:7 8:23 9:3,6,14,19 9:23 10:16 11:4,7 13:10 14:5,8,15,17 15:20 16:13,23 17:5 17:23 18:1 19:16 20:7,15,16 21:7,9,25 23:19,22 24:3,20 27:4 27:13 29:3,14 30:18 31:6 32:25 34:18 37:15 38:22 40:7,19 40:22 42:3 43:5,9 45:11,19,23 46:22 47:7,19 49:2,7,10 50:10,17,22 51:11,16 51:18 52:2,7,19,23 53:21,25 54:2,7,11,16 55:15,18,24 56:4,13 56:23 58:3,19 60:24 61:5 63:8 64:12 65:16,23 67:8,24 68:10 69:11,19 70:17 71:7,10,15,24 72:12 72:25 73:13,21 74:6 74:10,21,24 75:10,15 75:24 77:7,20 78:2 80:10,13,21,23 81:17 82:11,15,18 83:4 87:14 91:7 94:8 95:2 95:13,24 96:4,7,25 97:5 Meadow 56:4 mean 18:16 19:7 29:20 40:13 47:14 69:23 89:4 meaningful 5:13 means 89:9 measure 69:6 measured 69:8 measuring 31:19 mechanical 76:5 mechanism 91:3,8 meeting 2:1,6,8,19,20 3:3,19,22 4:3,11 9:6	9:10 13:25 14:18 20:18 21:10,12 22:1,4 24:3 25:19 26:20,24 56:16 58:9 94:13,19 95:3,13,14,17 96:3,5 96:10 97:8 meetings 24:9,15 meets 18:10 member 12:5 43:13 59:2 68:10 83:19 members 68:4 70:3,8 82:18 mention 92:1 mentioned 51:9 93:10 MICHAEL 1:14 Michelle 38:3 mid 85:4 middle 4:8 50:18 78:10 might 13:23 48:11 52:8 52:9 64:18 mile 61:9,10,13 62:16 62:16 63:16 64:10 miles 62:13 63:13 million 88:10 mind 30:19 57:22 minimum 30:2 63:22 63:22 80:8 minor 4:16,24 5:17 6:12 24:24 25:2,3,11 30:15 42:24 53:9 72:3 minuscule 89:15 minute 21:23 81:18 minutes 3:11,18 8:25 "9:16,18 39:6 55:14 95:15 mirrors 81:13 mischaracterized 6:17 misconception 27:22 40:25 misinformation 47:23 47:24 misinterpretation 57:16 misinterpreting 57:8 57:11 miss 49:7 59:16 missed 67:7 missing 84:3,9 mistaken 69:21 73:6 misunderstanding 2:6 22:2 40:18 mitigate 79:4 85:24 mitigation 64:18 84:10 84:17,23 85:15 96:19 96:19 Modell 32:2 modifications 94:18,22 Monday 1:6 monstrosity 21:6 56:7 Montella 51:19 month 50:21,22 more 9:3 11:11 18:2 20:16 30:16,22 32:19 33:7 35:11 36:12 37:21 41:16,18 44:19 51:8 55:25 64:2 66:7 66:19 67:9,10,15 68:3 68:25 71:9 77:16 79:11 85:5 89:13	90:19 96:13 most 28:4,5 30:3 39:2 40:9 53:1,9 66:2 93:3 93:21 motion 75:11,1777:21 77:22 78:11,11, ¹ 3,15 78:19 80:11,19 94:15 97:1,4,6 mountain 44:4 55:7 66:24 move 4:3 39:20 moved 11:1412:25 13:1 17:15,16 80:20 moving 2:17 39:8 63:16 MILMAYOR 61:20 much 10:1511:618:2 33:25 34:3,18 54:24 63:14 75:23 81:7 83:3 84:7 multifamily 28:241:21 multiple 9:2,515:19 20:6,1521:1925:6 27:9,12 42:2 47:6 multi-family 72:16 Municipal 79:23 municipalities 89:21 must 12:128:1383:2 myself 19:4 43:13 N naivety 68:18 name 3:7,9 5:811:13 14:9,10 15:1416:24 20:21,24 22:15 32:2 38:3 51:19 57:2 68:13 69:20 87:15 91:12 nameless 68:16 "gannet 5:9 natural 82:22 nature 12:21 13:7 19:13 near 6:13 necessarily 47:24 necessary 3:5 37:11 64:1 87:9 88:7 94:12 need 26:5 29:25 45:14 49:17 66:7,10 76:16 76:19 78:7 88:14 needed 82:3 85:5 needs 80:8 94:5 negative 57:19,19 negatively 91:21 neighbor 68:24 neighborhood 12:24 18:17 51:23 neighborhoods 79:3 neighbors 48:19 Neil 97:14 Neiman 59:14 61:6 neither 47:7 net 29:25 30:8 66:13,13 66:15,19,20,22 67:5 93:19 neutral 63:11 76:3 never 15:12 23:6 Nevertheless 36:23 new 1:8,24,24 4:20,21 59232284295 RC 1167
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30:16 31:10,23 32:4 32:14 33:6 35:9,11,14 44:16 49:14 67:19 70:7 79:1 81:12 85:10 87:21 90:16 91:25 92:3 news 47:23 newspaper 33:13 52:12 next 9:11,19 10:17,21 11:4 16:7 20:1731:2 37:15 44:8 55:15 61:5 65:16 80:22,23 94:13,19 nice 56:10,11 68:1 NICK 1:12 nilly 65:6 ninth 11:24 nobody 89:4 noise 9:2 65:22 78:25 non-conforming 86:8 89:18,23 normal 2:10 4:16 22:6 39:2 40:32 60:8 North 68:6 nothing 2:15 12:13 19:20 22:11 24:10,11 25:3 32:22 33:1 42:24 49:25 68:25 83:18 86:17 89:9 96:11 November 6:14 number 2:15 10:14 12:4,13 13:20 22:12 49:23 50:3 79:21 81:3 --Numeric 76:5 <hr/> 0 <hr/> 0 1:9 object 27:11 objective 11:10 53:16 55:16 obviously 22:20 67:21 occur 89:16 occurring 17:11 odd 17:14 odors 78:25 off 25:19,21 53:18 58:1 61:24 68:1 78:25 office 5:9 official 95:14 97:14 officials 35:3 oh 59:6 okay 2:2 4:11 9:23 10:20 14:5 17:23 19:15 20:14 21:13,22 23:17 36:8,17 38:12 49:20,23 57:10,12 74:7,24 75:10,16 83:22 93:3,20 96:7 old 29:5 39:17 50:6,12 91:25 92:2 Oliver 31:3 once 16:17 20:10 42:11 44:1 one 5:4 7:6 9:15 10:6 • 10:14,15 11:12 18:5 21:24 22:22 24:15 25:21 28:14,15 29:21	30:23 31:9 34:15 36:7 38:8 40:10,10,21 41:11,16,19 44:25 45:10,11,13,14 47:3 49:23 50:12,14 51:22 57:4,14 59:5 61:7,8 61:10,12 62:3,7 64:19 65:1 67:9 68:3,6 73:4 74:9,12,25 76:20 77:15 78:13 79:21 80:1 81:3,17 83:19 86:2,3,11 88:1 90:23 90:25 93:21 95:16,18 only 7:1 9:8 16:25 19:4 20:3 22:24 25:5 38:1 38:6 54:23,24 59:18 63:8 64:19 70:2 72:10,22 83:9,10,16 83:20 86:13,24 87:11 88:1 onto 41:5 open 2:17,23 3:2,16,20 5:3 20:19 41:5 82:9 82:12 opened 2:1 opening 18:8 operated 41:2 opinion 15:3 30:15 57:23 77:13 opportunities 24:7 opportunity 13:22 opposed 29:11 75:15 80:15 97:6 order 2:16 9:7 22:13 30:1 66:18,23 74:1 92:9 ordinance 7:17,25 83:23 84:14,24 85:14 organization 7:23 oriented 84:14,15,16 original 8:20 16:6 50:24 95:20 originally 79:19 other 3:2 18:7,7 19:12 25:1 28:16 29:16,18 30:4,14 31:16 32:5 34:22 41:22 42:15,22 44:10,25 45:3,4 51:7 53:17 54:4 61:10 62:11,12 64:20 66:12 67:9 68:22 71:18 72:17 73:4,19 74:2 79:9 81:3 83:11 84:13 86:5,24 87:12 87:20 91:21 94:19,20 others 16:10 otherwise 48:7 70:7 out 2:3 3:25 15:24 16:21 18:3 21:13,14 23:10 25:7 27:22 31:20 36:13 37:4 46:16 48:1 57:5 58:6 58:7 65:4 70:23 77:14 81:2 85:4 86:15 91:25 92:4 94:18 outbursts 20:16 outcome 34:8 outcry 9:4 outset 20:20 22:1	outside 92:17 over 18:14 21:3 44:8 74:24 79:25 81:1 87:25 92:8,9 overall 34:22 43:24 69:14 Oversized 86:10 own 16:2 owner 87:5 owns 48:21 54:18 <hr/> P <hr/> P 3:19 pace 61:17 page 50:3 68:9 paid 12:1 paper 10:4 24:11 38:15 70:4,16,18,18,22 papers 19:23 26:18 paragraph 6:16 60:25 89:12 parcel 5:16 81:23 82:4 82:6 83:7,8 90:14 parcels 93:5 parking 21:15 80:2 part 4:16 22:7 31:11 41:23 46:24 48:9 63:14 64:15 69:13 72:18 81:12,12 88:13 91:19 partially 76:7 participation 2:3 3:6 4:9 5:2 particular 5:15 6:5 8:16 62:22 67:23 71:22 84:1 87:11 91:20 particularly 4:39 6:4 pass 8:21 11:6 48:8,9 74:13 passage 51:2 passed 6:13 92:13 passing 94:20 passive 56:11 past 29:7 37:16 48:16 91:24 Pat 15:14 Patrick 87:23 pattern 33:11 Paul 5:7,9 83:5 94:16 paying 19:8 52:17 Payone 20:24 penny 89:10 people 7:11 9:8,13,17 10:9,14 12:17 17:13 17:15 18:18 19:1,12 19:12 21:21 22:20 25:22 26:1,3 37:2,3 37:37,20,21 38:1,16 39:20 40:1 45:22 48:20 57:8,10 58:16 73:19 89:7 90:1 91:17,21 93:25 per 7:5,18 88:16 89:5 90:5 91:4 percent 6:23 7:10,11 25:24 32:6,15,21 46:10 77:18,18 94:3 percentage 30:7 32:4	32:13 percentages 10:2 perhaps 34:19 43:12 45:14 68:20 period 2:17 3:2,4,16,20 17:1 permission 10:8 permit 6:4 8:18,21 28:16,18 62:23 72:22 76:10 79:5,13 86:12 86:19 permits 70:13 permitted 7:8,24 32:18 60:14 61:1 79:3 permitting 6:8 8:5 85:14 87:6 person 9:11,19 10:17 10:21 11:4 20:17 27:8 personal 3:17 persons 10:3 pertaining 8:2 phon 10:1 20:25 35:8 38:4 56:3 67:18 photo 65:18 physical 78:23 pictures 21:13 piece 8:17 48:22 68:24 pieces 81:25 pin 23:9 pitched 66:3,9 place 12:18 13:2 87:10 placed 19:11 58:21 places 28:5 43:9 52:24 plain 30:10 plains 31:17 plan 33:6,7 36:14 79:5 79:13 planning 42:14,15 56:6 63:23 79:25 90:4 94:11 plans 2:14 13:16 22:10 36:9 93:16 play 64:21 65:12 please 2:3 8:24 10:18 14:18 15:20 17:20 20:22 26:22 27:1,15 30:19 32:10 54:1 59:8 61:20 65:23 70:17 Pledge 2:1 plus 5:15 60:4 podium 3:8 14:8 point 6:2 18:22 33:2 34:9 46:20 69:6,11 74:6,7 81:2 87:5,17 89:6 points 90:6 police 21:14 policy 64:11,12 polishing 55:20 politics 10:10 Pomona 1:8,10 10:5,23 12:25 13:14 14:11 15:8 16:25 17:25 18:4,20 19:22 21:1 22:18 23:3,15,17 24:13 25:15,23 31:14 32:3 36:25 38:4 49:14,16 51:21 57:10	65:21 67:1968:12 77:24 79:1780:25 81:4 82:1492:11 POMONA:NEW 1:1 pond 86:1 ponds 85:3 pool 86:4 90:192:12,14 pools 89:19 population 10:5 17:1 8 portion 65:19 portions 84:13 position 43:21 87:10 positive 57:18 possibility 7:22 possible3:13 5:13 50:25 51:2 52:15 53:14 94:17 95:1 possibly 59:20 70:6 potential 61:18 64:6 79:4,10 practice 12:11,22 precedent 33:12 precedents49:17 preclude 86:8 precludes 7:12 predecessors 17:6 preference 31:11 premature 47:25 prepared 75:22 present I:1184:11 85:6 85:19 pre'sentation 59:16 presented 77:25 80:18 81:11,24 presently 70:10,12 86:16 preserve 90:17,21 president 82:19 press 6:24 58:5 pretty 63:13 64:7 70:3 93:10 prevent 87:7 previous 92:1 primary 78:24 principal 28:14 41:4 77:4 principles 17:4,20 prior 3:19 28:9 32:11 32:20 33:23 private 15:739:141:5 80:3 probably 11:2542:20 57:4 77:17 81:1 problem 25:1864:17 89:23 problems 24:2 83:14 procedure 16:395:5 proceed 3:10 proceeding 22:3 proceedings 2:7 97:10 process 4:1611:11 13:20 42:6 44:12 45:22 47:21 50:23 62:6 63:23 64:3,14 65:1,2,4 processes 79:6,14 produce 36:14 produces 58:14 progress 4:18 prohibit 8:11
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

prohibits 6:19 10:13 28:1 61:3 project 13:13,18 19:20 19:21 20:10 23:19 24:5 25:9 30:3,3 35:11,13,15,20,22 36:21,24 37:7 58:12 58:13 61:8,19,21,22 62:1,3,22,25 63:1,23 64:21 65:9,9,13,13 68:15 70:20 projects 37:3 55:3 64:13 promote 37:11 properties 30:25,25 63:21 83:11 87:12 90:20 property 2:12 5:15 6:5 7:2,12,23 8:4,14,17 10:14 20:5 22:9 25:4 30:5,6,20,21,23 31:1 33:8 48:22,23 54:18 55:4,6,7 61:12 62:22 63:10 68:25 81:25 83:10,17 84:13,18,19 85:12 86:2,3,13,14 87:5,11,17 90:17 92:12 proposal 6:20 25:20,20 27:23 32:4 36:3 37:13 70:25 proposals 26:10 43:7 propose 94:17 proposed 2:12 6:15 8:12 16:19 19:21 20:3 22:8 24:21 25:12,17,25 26:7,18 29:6 37:7 42:4,6 50:13 62:22 67:20 68:17,23 70:1 71:22 73:14,23,23 75:21 77:12 78:20 79:4,15 79:16,19 80:14,24 83:20 84:3,10 92:15 92:18,20 94:2,7,11 proposing 43:23 51:11 51:12 prospect 19:6 protect 17:13 23:20,22 38:17,19 39:14 43:22 43:24 44:7 49:21 58:11 71:6,23,25 81:10,20 82:1,1,5,22 82:23 83:24 90:17 protected 36:16 81:22 83:2 88:9 protecting 88:13 protection 80:25 81:8 81:25 87:16 protocol 56:15 provide 64:18 82:25 87:6 provided 41:9,13,17,19 provision 28:7 provisions 89:14 proviso 74:17 public 1:4 2:9,16,18,23 3:1,1,2,4,13 4:12,15 4:25 5:3 6:13 9:3,22 10:17 13:11,19,21	16:14,17 19:18 20:22 22:5,12 37:11,17,23 42:7,8 44:16 48:16 50:13,17,19,24 61:22 75:11,20 77:9,19,25 79:39 80:19,21 82:11 83:3 90:12 94:13 95:7,11,17,19,20,21 97:2,7 published 3:14 publishing 85:10 purchased 92:10 purpose 2:20 13:24,25 31:22 32:23 33:2 purposes 41:18,20 64:1 pursuant 88:17 purview 54:16 put 5:5 12:17 22:15 23:13 43:12 44:7,16 69:3,7 70:1,7 71:6 72:1,7 90:1 92:12,14 92:16 puts 19:1 43:21 putting 19:3 21:15 p.m 1:6 <hr/> Q Quaker 15:15 qualified 90:24 91:1,8 quarters 10:3 41:6 question 5:22,24 15:16 16:2,15,16 22:24,24 26:24 34:10 35:10 36:18 38:21,23,24 39:4,5 43:4 51:10 61:7,14 64:11,19,20 67:20 68:3 74:9,12,16 75:2 90:23 96:18 questioned 3:11 questions 3:21 59:15 73:18 91:22 quick 8:3 58:2 90:23 quickly 5:12 quite 13:22 17:9 44:13 73:8 quote 93:7,18 <hr/> R R.T.9 rabbinical 12:8 15:6 70:4 Rachel 90:8 railroaded 16:6 raise 14:19 69:8 raised 39:16 raising 28:24 Ramapo 6:10 8:14 21:1 48:15 55:19 57:5,9 68:7 88:5,11 range 90:18 rarely 85:3 rather 33:9 35:20 67:16 79:8 84:22 89:4 Re 1:3 reaction 6:9 33:10 read 10:4 16:5 19:23 24:11 25:7 26:5 36:5 36:25 39:5,6 40:7,23	53:4,6 58:10 70:4,22 71:19 72:12,14 real 8:3 24:2 29:13 35:5 53:15 realize 45:25 47:16,17 really 13:8 29:10 31:22 47:3 56:14 57:11,21 66:15 67:14 70:6 71:10 87:9 88:1 rear 51:5,15 reason 37:13 38:18 45:25 46:1,17 93:3 reasonable 10:6 84:16 85:17,22 86:7,19 reasons 78:22 79:25 95:16 recall 44:13 received 5:25 13:14,17 recent 43:20 44:19 recently 17:15 81:10 recognized 3:5 record 3:9 22:16 27:8 80:16 95:7,11 recreational 41:9 reduction 93:18 refer 85:8 referring 61:2 regard 62:20 regarding 16:20 50:2 61:12 62:14 63:6 87:16 regards 63:19 register 75:6 regrade 69:2 regular 2:22 3:18 4:19 34:25 77:2 92:11,25 regularities 94:4 regularly 2:7 22:3 regulate 83:23 regulations 37:8 63:5,6 76:12 81:16 85:11 rehabilitation 84:5 related 80:5 relating 63:24 80:25 97:2 relation 32:15 77:24 79:17 97:3 release 65:18 religion 19:9 religious 7:24 12:9,22 14:24 26:15 46:19,24 46:25 55:9 62:12 relocation 84:6,12 remain 68:15 remediation 88:3,6 remember 11:17 74:14 rendering 89:18,23 repeat 41:18 83:6 Reporter 97:14 REPORTING 1:22 represent 5:10 61:17 68:5 representing 87:5 request 2:3 3:6 4:9 5:2 74:16 87:8 requesting 93:11 require 76:10 required 3:8 29:16 35:16 50:23 64:18 79:2	requirement 30:13 62:4 80:2 93:9 requirements 18:11 32:1 74:2 requires 63:20 requiring 11:25 81:22 reside 68:4 residence 77:4 92:6,7 residences 59:18,19 66:1,6 68:22 93:6 resident 14:11 68:11 92:11,25 residential 16:10 33:5 76:14,15 79:3 residents 10:5 37:12 75:5 resolution 78:8 80:14 resolved 78:19 79:15 79:22 resource 83:1 88:2 resources 82:23 88:6 respect 83:12 84:18 87:11,12 respectfully 7:20 85:8 85:16 87:2,8 respond 11:16 12:3 16:13 responded 42:13 responds 42:14,15 response 5:25 13:19 46:14 89:17 94:11 responses 42:16 responsibility 48:13 responsible 19:8 35:3 65:7,8 rest 14:23 44:21 52:10 restoration 84:5 restrict 3:14 10:19 36:21 37:6 59:13 74:23 restricted 59:24,25 restricting, 12:4 74:13 restriction 8:5 10:7 74:18 76:13,17 restrictions 37:8,10,10 59:20 60:16 restrictive 30:16 51:8 restricts 12:13 result 43:11,19 81:11 85:13 resulted 8:10 review 64:3,16 79:23 94:25 revising 4:17 rezoned 8:14 Rheel 18:4 Rhoda 22:17 Richard 61:6 rid 31:8 76:7 ridden 79:25 ridge 66:2 68:6 right 2:5 3:23 11:14 23:1 27:4,11,13 29:7 31:12 36:4 37:15 38:1 44:1,10,11 45:13 48:22 58:1 65:12 72:3 75:4 86:15 93:16 rights 17:13 18:15 38:17,19 48:20	Rita 65:16,2188:15 road 11:1415:15 18:4 22:21 23:1,532:3 35:9 36:2543:7 56:4 61:24 62:16,1763:4 63:17 65:1068:6 82:14 87:23 roads 15:453:2561:8 61:16,1962:13 63:3,7 roadway 64:10 roadways 62:19 Rockland 5:2512:2 39:16 79:24 82:19 88:9 ROIVIAN 1:13 75:22 roof 66:3,5,8,9,10 76:18 room 4:3 7:6,11,18 9:4 9:8 28:18 40:2,10,11 40:15 41:14,17,19 61:1 rooms 28:1739:141:5 41:6,10,1645:14 76:20 77:14 roots 96:14 Route 2:13,1310:23 20:25 22:9,9 rule 34A 45:7 rules 9:13,15 55:10 ruling 43:13 run 17:6 24:3 48:2 59:14 78:25 running 21:9,11 rural 17:8,16,17,21 90:21 <hr/> S safe 12:1514:21 safely 23:8 safety 37:11 64:187:3 Sagamore 67:19 sake 9:17 95:4 same 17:20 28:3,10,13 28:21 29:15 30:13 39:5 41:344:1245:3 50:20 62:4 68:9 71:17 76:25 81:22 SANDERSON 1:12,15 75:13 77:8,22 78:4,9 78:15,18 SANDY 1:22 satisfied 53:19 SAUNDERS 1:22 Savad 5:7,9 11:16 15:25 32:7 36:20 37:5 42:9,12 83:5 89:17 94:16 Savad's 12:3 16:15 87:16 Savarello 67:18 saw 70:15,18,19 saying 15:15 18:15 24:9 25:16 39:19 44:22 46:12,13 50:7 56:11 69:16,2271:7 says 12:15,21 16:14 20:17 46:11 48:24 53:6 55:1 60:25 70:12 72:15,19 73
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

87:17 88:17 96:11 scheduled 2:7 3:15 22:3 scholastic 54:15 school 7:9,25 15:7,9 28:9,14 32:12 36:8,10 39:22 40:12 41:4 46:25 53:3 54:11 55:1,9,9,10 61:12 63:17,21 64:6 68:7 74:15 78:24 79:11 schools 28:6 46:25 72:10,11 80:3 scope 54:20 63:1 screaming 37:4 second 1:23 3:20 5:7,24 14:15,17 15:20 19:17 50:2 60:24 75:14 78:6 80:10,12 secondary 28:6 seconded 80:20 97:4 Secondly 92:3 93:18 Secor 49:13 65:21 '87:15 88:15 secret 26:12 Section 6:16 88:17 secular 7:24 14:24 26:15 55:10 see 21:4,5 28:3,5 42:5 56:4 67:15,25 68:16 69:15 70:15,19 71:15 89:5,22 seeing 64:21 seem'4:5 89:15 seems 19:11 27:24 36:11 37:2 62:10 seen 17:11 18:7 24:21 semi-private 39:1 41:5 seniors 68:7 sense 27:15 56:18 95:15 sent 42:23 96:5 separate 13:23 41:10 53:25 SEQRA 78:7,14 84:8 serve 83:3 services 79:1 sessions 28:7 set 2:25 47:20 51:4,9,11 51:13 56:8 61:14 62:14,15 63:21 64:2,7 64:8,14 67:16 76:21 79:23 80:1 setback 93:8,11 setbacks 79:8 setting 31:13 <i>seventy-five</i> 7:2,7 several 25:1 81:2 sewage 15:4 sham 46:16 shape 76:2 share 22:21 shavings 14:1 shed 92:16 Shop 23:8 short 17:1 shortly 17:3 shot 74:25 shouting 15:24 28:25 40:3,6 42:2 47:6 shouts 21:19	show 80:16 sic 23:14 85:11 side 18:19 50:1 57:15 64:23 67:2 sides 67:16 sidewalk 23:5 sidewalks 23:16 sign 65:18 significant 2:10 22:6 63:18 78:21 similar 28:5 34:5 81:15 simple 4:15 49:6 61:7 simply 2:24 48:12 55:20,24 simultaneous 20:6 25:6 since 2:13 4:23 22:10 39:15 57:14 81:5 85:15 single 28:1 29:18 40:2 41:20 72:16 92:6 93:5 Sir 83:4 site 24:14,21 37:1 79:5 79:13 94:21 sitting 56:24 58:14,20 situation 57:20 six 7:19 11:23 12:20 52:1,3,11,11,19 53:11 53:15,18 54:3 66:25 70:20 size 6:22 24:16,18,25 52:25 53:7 63:1 78:23 79:7 Sky 56:3 Skymetal 35:9 sleeping 41:6 slope 30:6,8 89:22 slopes 31:17 37:9 44:4 slot 2:18 small 11:1 smaller 81:20,21 smiled 23:25 24:1 smoothly 11:11 social 15:5 society 91:13 sold 8:6 solely 54:18 solution 10:12 some 5:13 6:1 12:7 16:15 17:14 18:22 27:14 33:7,18,22 34:9 36:5,21 37:6 38:18 50:25 51:1 57:16 71:11 72:3 81:3 83:14 96:13 somebody 19:8 24:4 52:17 55:8 60:19 93:10 somehow 63:6 someone 6:1 23:9 48:2] 66:23 72:25 77:20 something 20:17 22:1 23:11 24:5 32:5 33:9 34:3,19 35:4,5 38:18 42:4 44:12,14 46:23 49:7 50:10 51:6 52:12,17 58:20 60:19 66:19 68:2 70:1,7,18 70:19 72:20,25 73:17 73:22 82:3 88:22,24	89:17 90:2 91:5 96:17 sometime 81:2 somewhat 51:8 somewhere 6:13 sorry 40:18 59:24 sort 16:5 55:8 64:19 70:9,25 sounds 57:14 73:20 South 1:23 space 46:10,11 66:9 73:10 speak 2:2 5:4,12,12 9:21 11:8,12 14:6,7 14:16 16:18,22 17:24 19:4 24:4 25:11 37:16,17,21,24 38:2 55:13 65:2 74:10 91:12 speaker 3:10 37:22 38:2 41:1 46:18 speakers 15:21,23 speaking 38:5 55:2,3 82:15,17 83:9,20 86:13 speaks 24:4 special 62:23 63:15 76:10 79:5,13 specific 2:25 20:5 28:10 29:25 30:20 31:1 32:13 33:1 55:4 62:21 63:10 66:8,19 67:2,10 71:9 82:4 93:19,21 specifically 6:7 28:19 33:1 76:12 84:15 93:1 specification 32:23 specifications 18:10 specify 74:22 speed 61:9,10,13 63:2 speeds 63:6 spelling 78:3 spirit 17:7 spoken 75:1 83:13,19 91:23 spouse 69:24 spouses 74:18,22 Spring 8:6,7,13 square 6:25 7:3,5,7,9 7:15,16,17 12:14 32:16,17,19 66:25 67:1 80:6 St 12:6 stab 31:9 36:18 staff 41:7,13 70:12 staid 9:7 stand 4:1,4,7,7 23:4,10 58:18 standard 7:4,18 standards 84:5,10 85:15 96:19,20 standing 91:18 start 43:10 44:6,7 53:18 78:13 started 25:19,21 starting 96:13 state 7:13,21 8:20 15:7 20:21 28:4 31:10,25 36:2 39:3 54:22 70:8	71:8,22 74:14 79:2 81:13,15 84:11 85:19 87:21 88:20 90:16 stated 11:16 24:15 63:24 statement 12:4 80:1 statements 33:25 47:11 states 38:25 70:2 statute 32:20 76:22 84:3 stay 90:13 stayed 38:13,14 steep 30:6,7 31:17 37:9 44:4 89:22 step 7:14 16:7 18:5,6,6 27:14 44:2 81:17 sterilizes 86:4 Steve 68:13 stick 23:15,15 42:19 still 73:11 stop 15:22 21:18,19 23:8 87:3 stories 12:19,20 50:5 59:24 60:1,3,4,11,13 73:9,15 storm 84:9 story 11:23 52:1,3,4,11 52:11,20,22 53:11,15 53:18,20 54:3,8 60:8 70:21,21,21 73:12 stream 86:2 streamlining 14:1 street 1:23 8:14 11:14 21:1 51:4,13 stretching 56:15 strong 23:4,10 strongly 48:17 91:13 structure 69:3,5 86:5 structures 63:21 stuck 23:16 student 5:20 6:7,10,19 7:5 8:11 21:2,4 74:15 students 6:11 7:1,6,10 7:16,19,25 8:9 12:4 12:33,16 15:2 38:20 39:8,11 40:11 41:7 54:21 70:2,4,13 72:10 74:18 75:3 study 61:25 65:10 subdivide 86:25 subdivided 86:11 Subdivision 6:16 subject 3:15 8:4 76:8 79:7,15 subjective 76:7 84:1 85:23 submit 3:5 7:13,20 11:8 submits 36:3 submitted 2:14 20:11 20:11,13,14 22:10,23 22:23 23:20 24:6 33:8 42:11 83:18 substance 27:24 42:25 substantive 85:1 96:15 subtract 31:20 subtracting 32:5 suburban 14:20 succeeding 45:23 sudden 39:11 suddenly 66:24	Suffern 35:9 sufficient 76:2180:4 suggest 68:20 69:4 suggested 42:22 45:13 suggests 43:8 SIJNY 72:9 superintendent 41:13 supervisor 57:6 supervisory 41:13 support 19:790:13 supporting 19:6 34:20 supports 90:18 supposed 24:19 95:25 sure 34:13 37:19,24 39:7,17,24 59:21 68:8 70:3 74:17 91:20 92:23 surrounded 61:8 surrounding 48:14 61:16 62:18 63:17 survive 86:22,23 Susan 5:4 11:4 suspdct 48:1 sustainable 76:6 system 65:14
				table 58:20 62:5 78:12 take 7:7,14 12:1018:14 21:5 22:22 23:10 26:19 27:1331:9,15 33:22 34:22 36:18 44:18 60:9 76:2 93:20 96:25 taken 43:20 81:10 86:17 Taking 81:17 talk 19:19 21:8,12,14 25:20 64:23 65:25 66:12 85:25 talked 13:13 38:7 67:11 talking 8:3 25:4 40:4 46:8 47:4,5 49:11 51:25,25 52:1,2,3,4,5 55:2 62:21 67:21 86:14 Tamarack 16:25 tape 65:19 taping 46:2 targeted 87:6 Tartikov 5:11 12:9 83:16 84:18 86:14,24 tax 13:5 tell 4:6 26:5,6,13 27:21 35:21 44:1 69:12 telling 24:18 26:8 tells 58:23 Temple 12:5 67:14 ten 12:14 22:25 25:24 38:7 60:9 66:24 69:2 69:9 70:21 86:18 89:5 terms 66:16 69:14 71:4 89:19,20,23 text 6:12 84:10 thank 8:22,23 9:19 10:15,16 11:3,613:9 15:12 16:12 17:21 21:6 23:17 34:14c 1.170

39:9 47:8 51:18 61:4 65:15,20,24 67:3,17 69:18 74:7 75:9 83:3 87:13,14 88:14 90:7,9 91:6,11 94:7 95:23 their 3:14 5:31 15:11 18:18 19:2 21:20,20 36:12 39:12 61:11 66:17 70:5,16 71:23 90:2 theoretical 36:21 37:7 theoretically 63:2 theory 60:10 they'd 57:25 66:4 thing 5:21 16:5 20:4 21:24 22:24 26:15,15 26:16 28:10 29:24 36:11 39:6 47:3 48:3 55:8 57:19 66:12 67:9,10 84:2 96:16 things 2:5 5:13 22:18 22:23 24:8 25:1 27:14 28:16 46:5 57:7,18 64:20 65:11 71:14 81:2 83:6 92:8 94:1,1 think 10:6,11,25 11:1 11:20,24 12:9,12 13:23 17:12 18:16 19:23 23:21 26:2 27:20,22 29:12 33:15 33:20 34:2,5,5 35:18 36:10,15 47:9 52:14 56:9 57:8,10,16,17,21 57:24 58:8,16 63:13 65:8 66:18 67:10 69:4 71:7,17,19,21 73:18 76:12,24 77:4,8 77:9 82:10 83:13,22 89:19 90:6,19 92:18 93:3,4 94:5 96:22 thinking 73:5 third 11:24 50:3 Thirdly 92:6 thirty 6:25 7:9 though 17:24 thought 67:24 68:18 96:21 thousand 6:25 7:1,9,15 12:14 25:22 32:17,19 66:25 67:1 88:16,22 89:5,8,13 threat 61:18 three 3:11 7:15 8:24 9:15,18 21:15 25:22 25:24 37:20,21 38:1,2 42:24 53:20 55:14 60:3,4,11,13 79:9 86:10 88:10,16,21 89:8 91:17 through 8:25 10:12,12 11:24 16:6 35:12,14 35:16 36:13 44:12 47:21 53:14,16 91:22 92:8,15,19,19 93:24 93:25 94:2 :throughout 39:3 68:21 throw 21:12 throwing 46:16 tighten 31:22 33:3	time 2:18,24 5:1,10 9:17 10:20 13:18,19 13:22 16:20 17:2 19:5,19,22 20:1,9 24:10 25:9 27:3 33:8 35:6 62:6,9 67:23 87:25 times 2:25 18:7 today 37:14 told 88:2 96:3 tolerated 90:12 tonight 2:3 9:1 13:25 18:12,13 22:13 24:9 24:17,22,24 25:16 47:22 62:21 67:11,24 94:24 tonight's 2:7,8,16 22:3 22:4,13 top 66:2 topic 10:19 total 32:16 80:6 totally 5:19 6:19 7:22 8:17,18 18:25 19:2 tougher 35:19 towards 42:8 81:24 84:16,17 town 1:8 8:13 14:12,24 20:25 38:19 48:15 51:7,21 55:19 57:5,9 88:5 traditional 28:2 traffic 61:16 62:2 63:24 78:25 transcribed 80:22 transcript 97:10 transition 12:1 transmit 95:4 treated 47:16 trees 81:22 tremendous 17:11 52:18 tributary 88:1 tried 17:6,8 tries 15:22 triggered 44:13,14 triple 39:13 trouble 71:2 true 58:6 60:2 73:7 97:9 truly 49:24 71:6 73:8 TRUSTEE 1:12,13,13 trustees 1:1,10 2:8,21 22:4 85:16 96:23 try 3:12 10:18 16:16 42:20 43:17 48:2,4 52:23 57:18 59:10 68:2 89:7 trying 31:15,24 35:19 43:1 44:11 46:14 53:4,16,23,23 56:4 63:10 66:6 71:23,25 91:14 turn 2:4 turned 4:10 14:6 87:25 88:4 turnout 22:20 turns 23:9 tweak 51:1 66:7 tweaking 49:16 twelve 50:3 60:25	twenty 11:22 32:21 62:15 77:3,6 84:7 two 7:6,11,19 12:19 28:1,16 40:20,21 41:21 42:18,23 45:10 45:14 50:5 52:4,22 53:25 54:8 59:24 60:1 61:8 68:7 72:16 73:15 76:20 77:14 80:5,22 91:17 type 10:24 64:19 66:8 71:13 types 89:15 93:2 typo 50:3 78:4 U ULMA N 1:14 27:20 28:23 29:15 32:7,11 32:22 33:13,20 34:11 35:15,22 36:1,14 38:11,25 40:1,4,9 50:12 60:6,12,18,21 63:20 64:7 67:4 77:17 72:5,7,22 73:10 73:24 74:1,5,9,19,22 75:5 78:7,13,17 81:15 82:10 88:20,24 95:6 95:12,16 96:21 tilman's 59:16 ultimate 34:8 unclear 67:12,17 under 7:17,24 31:9 40:25 59:12 70:14 73:1 74:14 75:18 79:1 81:4 82:6 84:11 85:6 87:18,20 96:4 understand 15:15 21:16 25:15 46:23 49:14,16 52:24 53:22 53:23 61:20 70:17 92:1 93:25 understanding 68:15 understood 17:4 34:7 underway 3:24 undeveloped 5:16 83:7 83:8 unfair 19:1,11 unfairly 36:21 37:6 Unfortunately 91:19 Unidentified 4:5 9:12 20:12 24:13 26:23 27:2,5,10,18 29:1 40:20 45:17,21 46:18 47:2 48:25 49:4 55:13 57:24 uniform 63:16 64:9 uniformly 63:12 unit 41:12 61:1,23 units 28:2 41:22 72:17 university 15:7 unless 3:11 46:18 52:16 68:11 unlike 15:25 unlisted 78:20 until 92:13 94:24 upheld 93:4 upset 58:8,17 upwards 89:5 urban 23:11	urban-ness 23:14 urge 10:23 usage 93:20 use 12:11 28:9,9,14 31:12,19,20 32:4,12 32:12,14,15 33:6,8 41:4 46:7,8,9,24,25 47:1 50:1 53:3 54:11 59:22 65:19 66:13 71:10 76:12,25 77:1,3 77:5 78:23,24 79:11 80:5,5 83:23 84:14,16 84:22 85:22 86:7,20 87:7 93:19 95:19 used 29:7,8 31:24 41:17 41:20 66:8 83:25 uses 29:16 30:14 31:11 36:6 67:5 68:22 85:17 usually 43:10 57:20 utility 30:12 31:18 utilization 61:11 V valid 64:25 90:7 Valley 8:6,7,13 valuable 83:1 variance 56:7 variances 56:5 varies 64:14 various 31:15 43:9 vast 85:5 version 81:7 versus 93:5 very 4:16,23,24 10:15 11:6 25:2,2 28:15 30:15 33:17,20,23 34:18 36:19 39:20,21 44:2 47:16 48:17 51:24 53:19 56:9 57:3 58:7,7 59:3,3,9 63:3,10 64:4 77:10 81:15 83:3 89:19 90:10,16 95:18 victimized 93:1 videotaped 26:24 27:11 view 23:1,3 87:5 village 1:1,10,14,15 2:4 2:8,10,14,22 3:6 4:18 5:1,16 6:5 8:8 10:10 10:11,23 11:1,3 13:14 13:16 14:2,13 15:8,10 16:1,4,7,11 17:3,4,6,7 17:12,21 18:14,14,20 18:24,25 19:12,14,22 21:22 22:4,6,11 24:6 24:14 26:1,14 27:23 30:14,22,23 31:15,14 35:16 36:15,22 37:1 37:12 43:10,22,24 44:8 45:4 47:14 48:1 48:5,6,13 49:14,15,19 49:19 52:10 54:17 57:10 59:19,19 61:21 62:4 66:14 68:4,11,22 70:25 72:1 77:2,2,23 79:17 80:3,24 81:4 82:2,5,7 83:7,12 85:8 85:13 86:2,6,9,20	87:10,13 89:9,25 90:24 91:2,7,23 93:21 94:1 95:14 97:8 villagers 14:14 villages 71:23 village's 14:25 Vince 56:3 violation 88:17 89:6,6 89:14 violations 89:16 virtue 10:7 vital 81:25 void 84:2585:187:2,4 vote 20:2 35:21 75:4,8 voting 67:22,22 walk 23:7 53:20 wall 26:25 want 2:2 6:23 9:9,10,21 11:15 13:10,12 15:21 17:17,17 19:10,13,20 19:25 20:10,12,13 21:4,24 22:18 23:3,14 24:8 25:11 26:9,12,13 26:16 30:9 37:17,24 39:17 42:5,18 44:22 44:23 51:24 55:17 66:1 68:8 69:872:5 74:11,24 90:191:11 91:21 92:14,15,16,24 93:7 96:16 wanted 8:8 12:313:8 22:25 51:989:11 92:12,17 93:16 wants 18:13 19:25 24:7 66:24 86:25 warranted 15:17 16:1 wasn't 8:12 22:19 34:19 88:11 96:6 watching 21:2 water 78:25 84:9 88:14 waterways 85:4 way 19:2 26:8,14 45:1 51:1 52:1653:14 64:14 72:1 77:19 81:24 85:1992:10 ways 71:13 web 24:14,21 37:1 94:21 week 50:19 weighed 34:23 Weinberger 27:7 welcome 12:8 48:2 welfare 37:12 48:10 87:3 well 7:6 17:5 30:3 31:10 33:12 36:7 37:9 38:9 44:22,25 48:14 53:13 55:16 63:3 70:22 73:22 77:8 78:18 86:13 87:21 89:8 91:16,21 96:16 well-being 48:11 went 12:5 38:13 40:12 40:34 69:23 74:15 75:7 94:2
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------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23:13 24:15 25:22 30:12 31:2 32:11 38:4,6,16 42:22,23 47:12,13 56:9 58:7 69:22 72:14 77:12 82:21 84:21 87:23 88:7 93:8,22 95:25 west 12:20 85:4 wetlands 1:5 30:9,10 30:12 31:17 43:19 44:6 80:25 81:9,14,16 81:19,20,21 82:24,25 83:13,24 85:3,6 86:17 87:16,17,20,22 88:4 89:3,7,24 90:3,15,16 90:18 91:19 92:21 93:19 94:7 97:3 we'll 42:17 67:8,25 68:2 95:24 96:8,25 we're 3:23 4:6,11 9:16 18:15 20:4 21:17,21 25:2,10,16,17 26:8,12 26:16,21 27:17 30:19 31:13,15,23,23 38:24 40:4 43:1,17 44:10,11 45:22,25 46:14,16,17 46:17,20 47:3 50:14 50:17 51:25,25 52:2,3 52:5,13 53:5,5,19,21 53:25 55:2,2,11,24 56:19 61:15 62:20 63:10 65:8 68:9 70:24 71:24,25 72:2 76:7 77:17 96:13 we've 89:22 whichever 73:15 while 42:9 white 46:3 51:20 68:13 whole 11:11 19:13 33:2 36:11,24 37:1 48:7 55:16 72:7 90:18 wife 12:6 39:23 Wiley 9:20 90:24 evilly 65:6 win 34:1 wind 87:7 wish 3:7 5:12 37:21 wishing 14:6 16:18 woman's 91:12 wonderful 17:2 wondering 31:4 Woodfield 32:3 word 2:19 28:12 words 34:22 53:17 94:20 work 4:18 59:9 worked 14:13,19 15:11 82:21 working 35:25 works 59:2 65:14 workshop 95:3,13,15 96:10 worry 24:19 56:6 worship 50:20 67:12 wouldn't 92:14 wow 59:5 written 44:15,15 52:12 63:5 85:20 wrong 14:12,13 46:5 81:13 92:20	wrote 70:18 X X 1:2,6 Yagel 49:13 yard 85:16 yards 85:11 years 11:15,22 13:1 17:1,2,14 22:25 39:16 44:8 82:22 84:7,20 Yeshiva 8:6,6,9,12 12:5 York 1:1,8,24 5:9 28:4 31:10 35:9 49:14 67:19 70:8 79:1 87:21 90:16 Zingali 22:17 24:1. zone 8:10 67:14,17 zones 67:12 zoning 10:12,13 16:2,9 16:11 17:20 25:18 - 26:4,22 29:17 49:1,2 49:5,8 50:1 51:8,21 51:22,22,24,24 52:16 55:17,22 56:6 63:6 76:14 77:23 79:17 80:3 86:12 90:5 ZRELAK 1:14 1 165:21 88:15 10 3:19 22:17 100 93:13 10956 1:24 11 82:13 118 67:7 12 6:16 50:4 68:13 12th 96:10 125 63:22 64:2,7 93:8 126 82:24 130 67:6 130-10 6:16 14 16:25 59:14 15 29:13 18th 77:12,13,25 79:20 79:23 85:9 1930 82:20 1991 8:4 1997 81:5 92:1 1999 88:9 2 267:18-68:6 2.2 7:10 20 32:6,6 56:8 77:18 2004 4:23 6:5,14 8:10 2006 6:21 79:24 2007 1:7 6:21 8:15,15 79:21 85:9 97:17 202 2:13 22:9 55:6 63:13 221:7 7:10 23 32:2 24 97:17 25 6:22 28:22 29:7,9,12 29:13 32:5,6,15,19	38:6 45:5 46:10 50:5 52:4,6 61:6 66:11 73:15 76:18 77:16,18 254 1:23 26th 94:14 97:8 29 31:4 56:3 292 15:14 3 36:16 30 35:8 61:13 62:13,16 64:10 306 2:13 10:23 20:25 22:9 55:5 32 39:16 3200 10:5 35 28:20,20,24 29:9,12 29:15,19,21 45:4 50:7 50:8 52:4,8,9 59:17 59:23,25 60:6,13,14 66:1,1,5,9 68:17,25 69:3 73:5,16 76:13 77:4,15 350 7:5,17 37 86:15 383 38:4 4 4.4 7:10 40 17:1,2,14 55:6 61:10 61:23 86:1 44 7:10 45 3:18 39:12 61:10 4500 10:8 46 51:20 48 43:6 49 9:8 5 591:30 50 45:14 61:9 62:16 63:13 85:12 86:1 6 619 20:25 634-7561 1:24 682 10:22 7 7 11:13 25:14 75:3 7:30 1:6 70 18:4 71-2303 88:18 750 7:16 8 8451:24 9 949:13 87:15
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LAWYER'S NOTES

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